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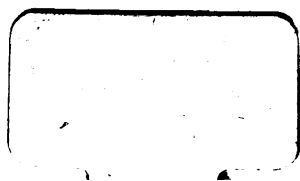
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ACTS

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED IN

DECEMBER, 1849.

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PRINTED, BY ORDER OF THE LEGISLATURE, IN CONFORMITY WITH THE  
STATUTES AT LARGE, AND DESIGNED TO FORM A PART OF THE ELEVENTH  
VOLUME, COMMENCING WITH THE ACTS OF 1839.  
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COLUMBIA, S. C.
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1849


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Upper Division, quarterly in advance, their drafts being countersigned by the Treasurer of the College; for the purchase of Books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same. A. D. 1848.

VI. FOR THE ORDINARY CIVIL EXPENSES: For the payment of Contingent Accounts of the Upper Division, twenty-three thousand dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, thirteen thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such Claims as shall be admitted by the Legislature at its present Session, fifteen thousand dollars, if so much be necessary; for the support of Free Schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the Commissioner to be appointed by the Governor, to superintend the Public Works, two hundred dollars; for the Education of the Deaf and Dumb, and of the Blind, two thousand five hundred dollars, if so much be necessary; for refunding taxes and paying for stock certificates and interest, as directed by the Reports of the Committee of Ways and Means, or of Finance, and agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State, as may be allowed by the General Assembly, upon Reports of other Committees, three thousand dollars, if so much be necessary; for interest on the three per cent. and Randolph stock, six thousand four hundred dollars; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, one thousand dollars, if so much be necessary.

VII. FOR MILITARY EXPENDITURES: For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper, at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard, at Charleston, five hundred dollars; and for the support of the Arsenal and Magazine Guard at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal and Magazine Guard shall be under the direction of the Governor, so that their support shall not exceed the appropriations respectively; for repairing Arms and for Arsenal purposes, in Charleston and Columbia, two thousand dollars, if so much be necessary; for the Military Accounts as agreed to by both branches of the Legislature, fifty dollars, if so much be necessary; for the Military Contingencies, fifteen thousand dollars, to be drawn by the Governor, and accounted for by him to the Legislature; for defraying the expenses of Artillery Companies throughout the State, four-

A. D. 1848.  teen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State during the ensuing year, for all services in issuing all Military Commissions, eight hundred dollars, in lieu of all other charges for these services, to be paid as other salaries are directed to be paid by law; for the purchase and distribution of Arms, according to the existing Law, five thousand dollars.

Ordinary Local Expenses.

VIII. FOR ORDINARY LOCAL EXPENSES: For the support of the Transient Poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws, at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the support of the Transient Poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Prince George Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the Harbor and Bar of Georgetown, three hundred and twenty dollars; for aiding the support of a Ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Extraordinary Expenditures.

X. FOR EXTRAORDINARY EXPENDITURES: For the Catawba Indians, to be applied under the Act of eighteen hundred and forty, one thousand dollars, if so much be necessary; for taking the Census of the State, nine thousand dollars, to be drawn and applied as directed by Resolution of the General Assembly; for pay of the Electors of President and Vice President at the late election, two hundred dollars, if so much be necessary; for repairs on the Citadel Academy at Charleston, fifteen thousand dollars; for the improvement of the Lunatic Asylum, fifteen thousand dollars, to be drawn and applied as directed by the Regents of the said Asylum; for B. C. Pressly, for compiling and preparing Digest of Laws in relation to Magistrates and Constables, two thousand dollars; for Walker & Burke, for balance due for publishing the same, four hundred and ninety-one dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight, and in the seventy-third year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE BRADFORD SPRINGS FEMALE INSTITUTE COMPANY. A. D. 1848.

No. 3066.
Institute Incorporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That H. D. Green, Leonard White, James E. Rembert, R. R. Spann and William Nettles, and their associates, and such as may hereafter be associated with them, for the purpose of establishing a Literary Institution in the District of Sumter, and State of South Carolina, be and the same are hereby declared a body politic and corporate, by the name and style of the "Bradford Springs Female Institute Company," with a capital of ten thousand dollars, and the right to increase the same hereafter to twenty thousand dollars. Style and title.
Capital.

II. That the said Company shall have succession of such officers and members as may be necessary for the Government of the Company, to be chosen and regulated according to the bye-laws and rules, to be made for their government and direction, and shall have power to make bye-laws not repugnant to the laws of the land, to have, use, and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and to have and enjoy every right and privilege incident to incorporated bodies. Powers.

III. That the said Company shall be able and capable in Law and Equity, to have, hold, receive, possess and enjoy, all such property, real and personal, as they may now possess, or in any wise be entitled to, or which shall hereafter be given, bequeathed to, in any way acquired by them, and shall alien or otherwise part with the same, or any part thereof, provided the amount so held by the said corporation, shall at no time exceed twenty thousand dollars. Hold Real Estate, &c.

IV. That this Act shall be deemed a public Act, and continue of force for the term of twenty-one years. Term of Charter.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight, and in the seventy-third year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849. **AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER,**
 No. 3067. **ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE.**

Tax on Lands. I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Public Treasury of this State, for the use and service thereof, that is to say: thirty-five cents ad valorem on every hundred dollars of the value of all the lands granted in this State, according to the existing classification heretofore established; one half cent per acre on all lands lying within the Catawba Indian Boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; fifty-six cents per head on all slaves; two dollars on each Free Negro, Mulatto and Mustizoe, between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims or otherwise, of procuring a livelihood; twenty-five cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on factorage, employments, faculties and professions, (whether, in the profession of the Law, the profits be derived from costs of suit, fees, or other sources of professional income,) and on the amount of commissions received by Vendue Masters and Commission Merchants, (Clergymen, Schoolmasters, Schoolmistresses and Mechanics excepted); sixty cents upon every hundred dollars' worth of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or Territories thereof, excepted,) which any person shall use or employ as articles of trade, sale, barter or exchange, or have in his, her or their possession on the first day of January, in the year of our Lord one thousand eight hundred and fifty, either on his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; sixty cents upon every hundred dollars' worth of goods, wares and merchandise, whatever, which any transient person, not resident in this State, shall sell, or expose for sale, in any house, stall or public place; ten dollars per day for representing publicly for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the Public Treasury, except in cases where the same is now required by Law to be paid to Corporations, or otherwise.

Slaves and free Negroes.

Lots and buildings.

Factorage and other employments.

Merchandise.

Public Exhibitions.

II. *Be it further enacted*, by the authority aforesaid, That all taxes levied on property, as prescribed in the first section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located. A. D. 1849.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*


JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN No. 3068.
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby appropriated, for the payment of the various officers and expenses of the State Government, that is to say:

IN THE EXECUTIVE DEPARTMENT: For the salary of the Governor, three thousand five hundred dollars; for the private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars. Executive Department.

II. IN THE LEGISLATIVE DEPARTMENT: For the pay of the Members of the Legislature, and its Investigating Committees, and the Solicitors and Attorney General, during the present Session, twenty-one thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each, two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each, two hundred and fifty dollars, to be paid at the end of the Session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, one Legislative Department.

A. D. 1849.  hundred dollars; for the Printers to the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, four thousand dollars, if so much be necessary, for the printing executed by the said Printers, during the present Session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printers, for printing in pamphlet form, the Acts, Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the usual accompanying documents, two thousand five hundred dollars, if so much be necessary: *Provided*, that the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next; and the amount to be paid, according to the proposals, shall be ascertained by the Treasurer aforesaid: *And further provided*, that the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the Public Acts, which may be passed at the present Session, within three weeks after the adjournment of the Legislature; for Benjamin Hart, for contingent expenses during the present Session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him, at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses for the Election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books, for the Library of the Legislature, five hundred dollars; for repairs of the State House and Grounds, under the Committees of both Houses, seven hundred dollars, if so much be necessary.

Judiciary Department.

III. IN THE JUDICIARY DEPARTMENT: For the salary of one Judge, three thousand five hundred dollars; for the salaries of nine Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, in Columbia, six hundred dollars, to be paid quarterly by the Treasurer of the Upper Division; for the salary of the Messenger of the said Court, at Columbia, two hundred and fifty dollars: *Provided*, it shall be the duty of the Messenger to summon all members of the Bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel: the salary of the said Librarian and Messenger, hereafter, to be paid quarterly, in the same manner as other officers; for the purchase of books for the Library of the Court of Appeals, at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals,

at Columbia, fifty dollars, if so much be necessary, to be drawn by the Clerk of the said Court, and expended under the direction of the Judges; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the same Court, in Charleston, two hundred and fifty dollars; for the salary of a Librarian of the Court of Appeals, in Charleston, two hundred dollars, the same to include the expenses of fuel; the salaries of the said Clerk, Messenger and Librarian to be paid to them, quarterly, by the Treasurer of the Lower Division, in the same manner as other officers; for firewood and fuel, for the Court of Appeals, at Charleston, fifty dollars, if so much be necessary, to be drawn by the Clerk of the said Court, and expended under the direction of the Judges; for the purchase of books for the Library of the Court of Appeals, at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars, of which sum not more than one-half shall be paid, unless the Reporter shall print and publish such decisions of the Courts of Appeals and Errors, which shall be made during the term of his office, as the Judges may direct, as well as such others as he may deem important to be published, within as short a time after the delivery of the said decisions as practicable, so that the publication of the Law cases shall not be delayed beyond six months, and the Equity cases not beyond twelve months, from the termination of the May sitting of the Courts of Appeals and Errors; and it shall be the duty of the said Reporter, to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts, as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of Jurors and Constables, forty thousand dollars, if so much be necessary.

IV. IN THE TREASURY DEPARTMENT: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars; the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk's hire, sixteen hundred dollars; for the Assessor of St. Phillip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

V. FOR THE SOUTH CAROLINA COLLEGE: For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary

A. D. 1849.

Treasury Department.

South Carolina College.

A. D. 1849. of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of Books, for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same.

Ordinary Civil Expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES: For the payment of the Contingent Accounts of the Upper Division, twenty thousand dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, fifteen thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present Session, fifteen thousand dollars, if so much be necessary; for the support of Free Schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the Commissioner, to be appointed by the Governor, to superintend the Public Works, one hundred and fifty dollars; for the Education of the Deaf and Dumb, and of the Blind, two thousand five hundred dollars, if so much be necessary; for refunding Taxes, and paying for Stock Certificates and Interest, as directed by the Reports of the Committee of Ways and Means, and of Finance, and agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State, as may be allowed by the General Assembly, upon Reports of other Committees, three thousand dollars, if so much be necessary; for interest on the three per cent. and Randolph stock, and for the principal of the same, fifteen thousand dollars, if so much shall be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Military Expenditures.

VII. FOR MILITARY EXPENDITURES: For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper, at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard, at Charleston, five hundred dollars; and for the support of the Arsenal and Magazine Guard, at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal and Magazine Guard shall be under the direction of the Governor, so that their support shall not exceed the appropriations respectively; for repairing Arms, and Arsenal purposes, in Charleston and Columbia, two thousand dollars, if so much be necessary; for the Military Accounts, as agreed to

by both branches of the Legislature, fifty dollars, if so much be necessary; for the Military Contingencies, twenty-two thousand five hundred dollars, to be drawn by the Governor, and accounted for by him to the Legislature; for defraying the expenses of Artillery Companies throughout the State, fourteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all Military Commissions, eight hundred dollars, in lieu of all other charges for these services, to be paid as other salaries are directed to be paid by law; for the purchase and distribution of Arms, according to the existing law, two thousand five hundred dollars.

A. D. 1849.

VIII. FOR ORDINARY LOCAL EXPENDITURES: For the support of the Transient Poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the support of the Transient Poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Prince George Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the Harbor and Bar of Georgetown, three hundred and twenty dollars; for aiding the support of a Ferry on Elliot's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Ordinary Local Expenses.

IX. FOR EXTRAORDINARY EXPENDITURES: For the Catawba Indians, to be applied under the Act of eighteen hundred and forty, two thousand five hundred dollars, if so much be necessary.

Extraordinary Expenditures.

X. FOR PUBLIC BUILDINGS: For building a new Court House for Marlborough District, eight thousand dollars; for building a new Court House for Newberry District, eight thousand dollars; for building a Gaol for Edgefield District, four thousand five hundred dollars; for building a Gaol for Marion District, two thousand three hundred dollars; to be drawn by and expended under the direction of the Commissioners of Public Buildings for the Districts aforesaid; for the erection of a new Gaol for Anderson District, four thousand five hundred dollars; for the making Fire Proof Offices at Pickens Court House, two thousand dollars; all the said appropriations for Public Buildings to be drawn and applied by the Commissioners of Public Buildings of the Districts respectively.

Public Buildings.

A. D. 1849.

Internal Im-
provements.Agent for State
Lots at Ander-
son.Agent for State
Lots at Colum-
bia.

XI. FOR INTERNAL IMPROVEMENT: For improving the navigation of Savannah river, five thousand dollars, to be paid from any moneys in the Treasury at the end of the fiscal year, not otherwise appropriated.

XII. *Be it further enacted*, by the authority aforesaid, That Alexander Evins be, and he is hereby appointed Agent of the State, to execute titles to the purchasers of public lots in the village of Anderson, who shall satisfy him of the payment of the purchase money for said lots having been made to former receivers, from whom titles were not received previous to the death of said receivers, or who shall hereafter pay to the said Agent the entire purchase money for such lots already sold, or hereafter to be sold.

XIII. That the Town Council of Columbia are hereby constituted Agent of the State, to take possession of the lots belonging to the State in the town of Columbia, and to sell at public auction, and make conveyance of them to any third persons desiring to purchase the same; and after payment of all just expenses, the said Town Council shall hand over the proceeds of sale to the Treasurer of the Upper Division.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3069. AN ACT TO AMEND THE LAW WITH REGARD TO THE RIGHTS OF SURETIES.

ded. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, the payment of a debt secured by Judgment or Decree in Equity, by a Surety, shall not operate as a satisfaction of such Judgment or Decree in Equity against the principal debtor; but by such payment the said Surety shall be entitled to all the rights and privileges of the Plaintiff or Complainant in said Judgment or Decree in Equity.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.


AN ACT TO ALTER AND AMEND THE LICENSE LAWS OF THIS STATE.

No. 3070.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, no License shall be granted in this State for the sale of spirituous liquors in quantities less than one quart, or which shall authorize the drinking of such liquors at the place where sold, except to tavern keepers in the manner prescribed by this Act and not otherwise. Act amended.
Conditions of Sales.

II. That no person shall be licensed to keep a tavern, but such as shall be recommended by at least three respectable freeholders, of the neighborhood where said tavern is proposed to be kept, who shall certify that the person so recommended by them is of good repute for honesty and sobriety, and is known to the persons recommending, to have at least two spare beds and necessary bedding, more than are required for the family of the said applicant, and is well provided with house room, stabling and provender; and thereupon the Commissioners of said Roads, to whom such application is made, may, in their discretion, grant the license prayed for; which shall continue for the term of one year, and no longer. Tavern Licenses.

III. That every person, before he or she shall receive a License to keep a tavern, shall become bound by recognizance to the State in the sum of one thousand dollars, with two good and sufficient sureties, being freeholders in the District, to be approved of by the Commissioners of Roads granting such License; which recognizance shall be in the form or to the effect following: "Know all men by these presents, that we, A. B., C. D., and E. F., of the District of _____, acknowledge ourselves to owe the State of South Carolina the sum of one thousand dollars, to which payment well and truly to be made we bind ourselves and every of us, each and every of our heirs, executors and administrators, jointly and severally, by these presents; witness our hands and seals, this day of _____, in the year of our Lord one thousand eight hundred and _____. The condition of this recognizance is such, that whereas the above bound A. B. is licensed to keep a tavern, in the house occupied by him (or her) in (the location particularly described,) for the space of one year from the date hereof. Now, if the said A. B., during the continuance of the said License, shall not keep a disorderly house, nor suffer or permit any unlawful gaming in or about his (or her) said house, nor violate the laws concerning the traffic in spirituous liquors, but shall during the said time, in all things use and maintain good order and rule, and find and provide good, wholesome and sufficient lodging, diet and entertainment for man, and stabling and provender for horse, and observe the di- Recognizance.
Form of recognizance.

A. D. 1849.  rections of the law relating to slaves and free persons of color, and the keeping of taverns, then this recognizance to be void, otherwise to remain in full force and virtue."

Articles to be provided. IV. That every licensed tavern keeper shall have and keep in his or her house so licensed, at least two good feather beds or mattresses, for guests, with good and sufficient bedclothes for the same, and provide and keep good, wholesome and sufficient diet for travellers, and stabling and provender for four horses, more than his or her own stock, upon pain of forfeiting his license and recognizance, and being subject to the like penalties as for selling without license.

Change of location. V. That no License shall entitle any person to keep a tavern in any other place than that in which it was first kept by virtue of such License, and such License, with regard to all other places and persons, shall be void.

Non-extension of License. VI. That no License to keep a tavern shall authorize the person receiving the same, or any person by his or her authority or permission, to sell or to keep and expose for sale spirituous liquors in any store, shop or other place, where goods, wares or merchandize of any kind or description are sold, or in any bar, stand or other place out of the said tavern house for which License shall have been granted according to law; and any person offending against the provisions of this section shall forfeit his or her license and recognizance, and shall be liable to all the penalties imposed by law for selling without license.

Price of License. VII. That from and after the passing of this Act, the price of tavern Licenses shall be fifty dollars, and no such License shall be granted until the said sum shall have been paid to the Commissioners of Roads by the person applying for the same.

Perusal. VIII. That every License to keep a tavern may, in the discretion of the Commissioners of Roads, authorized by law to grant the same, be renewed yearly upon the like recommendations, provisoes and penalties, and in the same manner in every respect as when such License was originally granted. And further, if any person, who at the expiration of his or her License, shall neglect or refuse to renew the same in manner aforesaid, shall, notwithstanding, sell and retail spirituous liquors, then such person shall be subject to the like penalties as for selling without License: *Provided*, that no person once convicted by any Court of competent jurisdiction in this State, of a violation of any law now of force, or hereafter passed, respecting the traffic in spirituous liquors, or the unlawful traffic with slaves and free persons of color, or of any of the provisions of this Act, shall ever thereafter receive a License to keep a tavern or to retail spirituous liquors in any manner, place or quantity.

Proviso. IX. That if any tavern keeper shall give credit to any person or persons for spirituous liquors, he, she or they so trusting or giving credit to

Sale on credit.


any person or persons as aforesaid, shall lose the debt and be forever disabled from suing for or recovering the same, or any part thereof. And any note, bill, bond or other security which may be given for any spirituous liquors, sold and drank in or at his or her house, shall be void; and if any tavern keeper shall sue for any such debt, the person or persons sued shall and may plead this Act in bar thereof. A. D. 1849.

X. That the recognizance required to be given by the third section of this Act, shall be filed in the office of the Clerk of the Court of General Sessions for the District in which said recognizance was taken, and in case of the breach of the condition thereof, it shall be lawful in addition to the penalties now imposed by law, in such cases, for any person to file an affidavit with the Clerk of the Court of General Sessions, in the District where such recognizance was given, stating the breach; and the Clerk of said Court is hereby required to issue a *scire facias* on said recognizance, requiring the principal and his sureties to show cause at the next Court of General Sessions, why their recognizance should not be estreated; one half the amount for which such recognizance shall be estreated shall be given to the informer, and the other half to the use of the Board of the Commissioners taking such recognizance. Recognizance to be filed.
Estreatment for breach.

XI. That it shall not be lawful for any person or persons, under a license to retail spirituous liquors, to sell, or cause to be sold, directly or indirectly, such liquors in quantities less than one quart, nor shall such retail licenses authorize the drinking of such liquors at the place where sold, or on the premises of the vendor. And if any person or persons whomsoever, without a license first had and obtained, according to the provisions of this Act, shall sell any spirituous liquors in quantities less than one quart, or shall allow the drinking of such liquors at the place of sale, or on the premises of the vendor, he, she or they, so offending, shall be subject to all the penalties now imposed by law for selling spirits without a license. Retail licenses.

XII. That it shall be the duty of every Magistrate, on view or complaint on oath, that any tavern-keeper, retailer, or other person, hath committed any act or thing contrary to, and in violation of, this Act, to cause the arrest, by warrant, under his hand and seal, of such tavern-keeper, retailer, or other person so offending, and require, as is prescribed by law, security for his appearance at the next Court of General Sessions, then and there to answer to the matter of such complaint, and, in default of security, to commit to jail, there to be kept until discharged by due course of law, and also to bind the person making the complaint, or any others whose testimony may be material, to appear at the same time, to give evidence on behalf of the State against such offender. Duty of Magistrates.

XIII. That nothing in this Act shall be taken, deemed, or construed to alter, change, or in any manner affect the rights, powers and privileges How affecting Corporate Towns, &c.

A. D. 1849.  vested by law in any city or town incorporate in this State, relative to the granting of tavern and retail licenses within their respective limits; such city or town corporate, nevertheless, conforming to the directions, and being subject to the restrictions and provisions herein contained and provided for the Commissioners of Roads in the several Districts in this State; except that the recommendation for a tavern license in such towns and cities shall be signed by at least six respectable freeholders residing therein.

Existing
Penalties to
continue of
force.

XIV. That nothing in this Act contained shall be taken or construed to alter, or in any manner affect, the penalties now imposed by law for retailing spirituous liquors without license.

Acts and
Section repeal-
ed.

XV. That the twenty-third section of the Act, entitled "An Act to establish certain Roads, Bridges and Ferries," therein mentioned, passed on the sixteenth day of December, one thousand eight hundred and fifteen, and which provides for the granting of tavern and retail Licenses during the recess of the Commissioners; and also all Acts and parts of Acts repugnant to this Act, be, and the same are hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3071. AN ACT TO AUTHORIZE THE FORMATION OF THE SPARTANBURG RAIL ROAD COMPANY.

Company in-
Corporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate Company is hereby authorized for the construction of a Rail Road on the most practicable route from the town of Spartanburg, to connect with the Laurens Rail Road at such point as may be agreed on between said Companies, at such point as the Company, when formed, shall determine upon; which said Company shall have exclusive right to make, keep up and use such Rail Road; and for the term of time hereinafter to be mentioned, no other Rail Road shall be constructed between the same points.


Stock.

II. That the stock of the Company hereby authorized, shall consist of thirty thousand shares of twenty-five dollars each; but said Company shall be at liberty to enlarge their said capital as, in the progress of their undertaking, they may find necessary, either by additional assessment on the original shares, not to exceed in the whole the sum of five dollars on each

original share, or by new subscriptions, to an amount not exceeding five hundred thousand dollars, the terms and conditions of which new subscriptions the said Company is authorized to prescribe; and it shall be lawful for the said Company, from time to time, to invest so much of their capital or of their profits as may not be required for immediate use, and until it may be so required, in public stock or stocks of any Bank or other incorporated body, and to draw and apply the dividends, and to sell and transfer, as they shall see fit, any portion of the stock. A. D. 1849.

III. That the books of subscription of the stock of the said Company, hereby authorized, shall be opened at Spartanburg Court House, Newberry Court House, Monticello, Columbia and Charleston, Cross Anchor and Woodruff's, in Spartanburg District, and at Laurens Court House, by three Commissioners in each place, to be appointed by the Governor; and the books shall be opened in each of said places on the same day, to wit, on the first day of March next, and be kept open at each place for four days thereafter, between the hours of nine o'clock, A. M., and three o'clock, P. M.; notice whereof shall be given by each set of Commissioners, either by advertising in a gazette, or in such other manner as they may deem best, for at least one month prior to the time for the opening of said books. Individuals may subscribe for as many shares as they see fit, paying to the Commissioners at the time of subscription, one dollar on each share subscribed for; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid respectively; and for the sums so paid, the Commissioners shall give receipts to the individuals paying, and as soon as may be, deposit the money in some specie paying Bank of the State of South Carolina, subject for so much thereof as may be refunded to subscribers, upon adjustment made in case of over-subscription, to the joint check of said Commissioners, and subject for the balance to the check or order of said Company, through its President and Directors. Books to be opened.

IV. That when the books shall be closed on the last day, the Commissioners at each of the places before designated, respectively, shall transmit to the Commissioners at Spartanburg C. H., a list of subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each Commissioner, that the money is deposited in Bank, conformably to this Act, naming the Bank, and thereupon the Commissioners at Spartanburg, from all the list of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for the Company. If the shares subscribed shall exceed thirty thousand, then the shares shall be reduced rateably to that number, except that no subscription of five shares or under shall be reduced. If the number of shares subscribed shall be less than Provisions when books are closed.

A. D. 1849.  four thousand, the Commissioners at Spartanburg C. H. may keep open the books in that place until the number of four thousand shares shall be subscribed. If the number of shares shall amount to four thousand, the said Company may thereupon be formed, and when organized, the Board of Directors may cause the books to be opened after sixty days' notice, of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of thirty thousand shares shall have been subscribed.

Organization
of Company.

V. That as soon as the number of four thousand shares shall have been subscribed in manner aforesaid, the Company shall be considered as formed, and this Act of Incorporation shall attach and become effectual, and the Company may take measures for complete organization. To this end the Commissioners at Spartanburg C. H. shall appoint a convenient time and place for the meeting of Stockholders, and shall cause the same to be advertised in the public gazettes for four weeks previous to the day of meeting, at which time and place the subscribers of stock may attend in person or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance in person or by proxy, the Commissioners of Spartanburg or a majority of them attending, shall present a ballot box, in which the subscribers may vote by ballot for a President and twelve Directors, to serve for one year, and until a new election be made; and the presiding Commissioners shall count the ballots, declare the election, and make and deliver proper certificates thereof under their hands.

Voting.

VI. That at such meeting, or any other meeting of the Company, each member shall be entitled to one vote upon each share held by him, not more than fifty; to one vote on every five shares held by him, exceeding fifty, and not more than one hundred; and on all shares exceeding one hundred, to one vote on every ten shares, to be given by the Stockholder in person or by his proxy, in all elections and on all matters submitted to the decision of the Company; and to constitute a meeting of the Stockholders, authorized to make elections, or decide on any matter on which it shall be necessary for the Stockholders to act as a Company, a majority of all the shares shall be represented by the Stockholders themselves, or by their proxies; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time, until a regular meeting shall be formed.

Power to ad-
journ.

Elections.

VII. That the election of President and Directors shall be made annually, according to the By-laws to be made for the purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect, by ballot, from the Stockholders, a person to fill

the vacancy so occurring, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election as to all or any of them being effected, the corporation shall not be dissolved or discontinued thereby; but it shall be lawful on any other day, to hold and to make such election in such manner as may be prescribed by the By-laws of the Corporation, subject to the scale and regulations of the sixth section of this Act.

A. D. 1849.

Style, Powers, &c.

VIII. That the said Company, to be organized as aforesaid, shall be called the Spartanburg Rail Road Company, and have perpetual succession of members; may make and have a common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of Law and Equity, or judicial tribunals in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations as they may find necessary and proper for effecting the ends and purposes intended by the association, and contemplated by this Act: *Provided*, such regulations, rules and by-laws, be not repugnant to the Constitution and Laws of this State.


Proviso.

IX. That the said Spartanburg Rail Road Company shall have power and capacity to purchase, take and hold in fee simple, or for years, to them and their successors, any lands, tenements, or hereditaments, that they may find necessary for the site, on and along which to locate, run and establish the Rail Road aforesaid, or to vary or to alter the plan or plans to such breadth or dimensions, through the whole course of the Road, as they may see fit; and in like manner to purchase, take and hold any land contiguous to, or in the vicinity of the said Road, that they may find necessary for the procuring, and from time to time, readily obtaining all proper materials of what kind soever, for constructing, repairing, guarding and sustaining the said Rail Road; and in like manner to purchase all private rights of way, or water courses, that may lie on or across the route through which the said Rail Road may pass; and, also, all lands contiguous thereto, that may be found necessary for the erecting of toll-houses, work shops, barns, stables, residences and accommodations for servants, agents and mechanics, and for stabling and maintaining all animals of labor; and the said Company shall have power, if need be, to conduct their Rail Road across and over any public road, river, creek, waters, or water courses, that may be in the route: *Provided*, that the passage of the road, or the navigation of the stream, be not obstructed thereby.

Powers in fee simple.

X. That, in any case where lands, or private rights of way, may be required by the said Company, for the purposes aforesaid, and the same cannot be purchased from the owner or owners, for want of agreement of the parties as to price, or from any other cause, the same may be taken by

Lands to be valued in case of disagreement.

A. D. 1849.  the Company, at a valuation to be made by Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District in which any part of the land, or right of way, may be situated; and the said Commissioners, before they act, shall severally take an oath before some magistrate, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owners or owner, in consequence of the land, or right of way, being taken; and, also, the benefit or advantage he, she, or they may receive from the establishment or erection of the Rail Road and works, and shall state particularly the nature and amount of each; and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land, or right of way. The proceedings of the said Commissioners, accompanied with a full description and plat of the said land, shall be returned, under the hands and seals of a majority of the said Commissioners, to the Court from which the commission issued, there to remain of record. Either party to the proceedings may appeal from the said valuation to the next session of the Court granting the commission, giving reasonable notice to the opposite party of such appeal; and the Court, upon satisfactory proof that the appellant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and right of way, so valued by the Commissioners or jury, shall vest in the said Company in fee simple, so soon as the valuation thereof may be paid, or tendered and refused. When there shall be an appeal, as aforesaid, from the valuation of Commissioners by either of the parties, the pendency of such appeal shall not prevent the Company proceeding in the construction of their work in and upon such land, or way; but when the appeal shall be made by the Company, requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the Court. In all assessments made by the Commissioners or jury as aforesaid, after the construction of the Road, or of the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said Road, or part thereof; and the use thereof by said Company, for the purpose of said Road, shall be considered as an actual possession of said

land covered by said Road, and the space of one hundred feet on both sides of said Road as aforesaid: *Provided*, the said Company shall not be compelled to take an assessment and valuation of one hundred feet on each side of their Rail way, but that they may take any less quantity of the land of any owner which may be necessary, and which their engineers may designate to the Commissioners making the said assessment and valuation.

A. D. 1849.

Proviso.

XI. That in the absence of any written contract between the said Company and the owner or owners of land through which the said Rail Road may be constructed, in relation to said land, it shall be presumed that the land upon which the said Rail Road may be constructed, together with one hundred feet on each side of the centre of said Road, has been granted to the said Company by the owner or owners thereof; and the said Company shall have good right and title to the same, (and shall have, hold and enjoy the same,) unto them and their successors, so long as the same may be used only for the purpose of the said Road, and no longer, unless the person or persons to whom any right or title of such lands, tenements or hereditaments descend or come, shall prosecute the same within ten years next after the construction of such part or portion of the said Road as may be constructed upon the lands of the person or persons so having or acquiring such right to the title as aforesaid; and if any person or persons to whom any right or title to such lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute the same within five years next after the construction of the part of the said Road upon the lands of the person or persons so having or acquiring such right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: *Provided*, that nothing herein contained shall affect the right of femes covert, infants or persons beyond seas, until two years after the removal of their respective disabilities.

Constructive title.

Proviso.

XII. That all lands not heretofore granted to any person nor appropriated by law to the use of the State, within one mile from the centre of the main track of the said Road that may be constructed, be and they are hereby vested in the said Company and their successors, so long as the same may be used for the purposes of the said Road, and no longer.

Unappropriated lands vested in Company.

XIII. That the said Company shall, at all times, have the exclusive right of conveyance or transportation of persons, merchandize and produce over the Rail Road to be by them constructed, while they see fit to exercise the exclusive right; and the said Company are hereby authorized to fix and determine upon such rates of charge for the transportation of persons, merchandize and produce as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested. The said Company may, when they see fit, let or farm out all or any part of

Privileges.

A. D. 1849.

their exclusive right of transportation of persons, merchandize and produce, with their privileges, to any individual or individuals or other Company, and for such terms as may be agreed upon; and the said Company, in the exercise of their right of conveyance and transportation of persons or property; and the persons so taking from the Company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said Company may use or employ any sections of their proposed Rail Road, before the whole shall be completed, which may afford public accommodations for their conveyance of persons, merchandize and produce; and the said Company shall have power to take, at the store-houses they may establish or annex to the said Rail Road, all goods, wares, merchandize and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for storage and labor as they may by regulations establish, (which regulations they shall publish,) or as may be agreed upon with the owners.

Powers to
farm out.

XIV. That whenever the said Company shall see fit to farm out as aforesaid, to any other person or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open the said Rail Road, or any part thereof, to public use, they shall and may adopt and enforce any necessary rules and regulations, and have power to prescribe the construction and size or burthen of all carriages and vehicles and the materials of which they shall be made, that shall be permitted to be used or pass on said Rail Road, and the locomotive power that shall be used with them.

Penalty for
intrusion.

XV. That if any person or persons shall intrude upon said Rail Road, or any part thereof, by any manner, or use thereof, or of the rights or privileges connected therewith, without the permission or contrary to the will of the said Company, he, she or they shall forfeit to the Company all the vehicles, articles and animals that may be so intentionally introduced and used thereon, and the same may be seized by the Company, or its agents, or recovered by a suit at law; and moreover, the person or persons so intruding shall and may be indicted as for a misdemeanor, and upon conviction be fined or imprisoned in the discretion of the Court of Sessions in the District in which he, she or they shall be tried and convicted; and if any person shall wilfully and maliciously destroy or in any manner hurt, damage, injure or obstruct the said Rail Road, or any vehicle, edifice, right or privilege granted by this Act, and constructed and employed under the authority thereof, such person so offending shall be liable to be indicted as for a misdemeanor therefor, and on conviction thereof, shall be imprisoned not more than six months, and be fined not more than five hundred, nor less than twenty dollars, and shall be further liable to pay

to the said Company any damages occasioned by the said injury, and all expenses of repairing the same. The one-half of all fines that may be imposed by the Court, under this Act, shall be paid to the informer, and the other half to the said Company. The provisions of this Section shall be extended as well to the owners of the lands through which the said Road may be constructed as to other persons, and no owner or other person claiming under him or her shall avoid the said provisions by the plea of *liberum tenementum*, or by any other plea whatever.

A. D. 1849.

XVI. That the right to make, keep up and use the said Rail Road and the conveyance and transportation thereupon, shall vest and continue in the said Company for and during the term of thirty-six years, to be computed from the time of the corporate existence of the Company: *Provided*, that the subscription of stock in the said Company be filled up to the amount of four thousand shares, within four years from the passing of this Act, and the said Rail Road be commenced within two years, and be completed within ten years after the shares shall be subscribed.

Term of charter.

Proviso.

XVII. That after the President and Directors shall be elected as aforesaid, it shall always be in the power of the President and Directors of the Company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, Treasurer and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of said Company, and to remove the same at pleasure; and also to require and take from all the officers, agents and servants, such bond or bonds and security as the Board or the by-laws may prescribe, for securing the fidelity, obedience and accountability of said officers, agents and servants, and their punctual surrender and delivery of all monies and property on the termination of their offices by resignation, removal or expiration of their term.

Officers.

To give bond.

XVIII. That the President and Directors, by an order signed by the President, shall have power to draw from Banks all such sums of money as may have been received by the different sets of Commissioners, for the first payment, by subscribers upon their subscriptions of stock as before provided, except the sums for such shares as may be cancelled and thrown out upon the adjustment of the shares, in case of over subscriptions, which shall be drawn and repaid to the subscribers of such shares by the Commissioners, respectively, before whom such subscriptions were made, immediately upon notification of said Commissioners of such adjustment.

Power to draw money from Bank.

XIX. That every subscriber or holder of stock in said Company, shall pay to the Company the amount of the shares by him or her subscribed or held in such instalments, not exceeding five dollars on each share at one time, and at such periods, with intervals of not less than ninety days, as shall be prescribed and called for by the Directors; of which periods of

Instalments to be paid.

A. D. 1849. payment and the sums required, the Board of Directors shall cause public notice to be given for at least four weeks previous to such periods of payment, by advertisement in the *Spartan*, published at Spartanburg C. H.,

Forfeiture of or in one of the gazettes published at Columbia; and on failure of any Shares. subscriber or stockholder to pay up any instalments so called for by the Directors, the shares upon which default shall be made, together with any past payments thereon, shall be forfeited to the Company, and be appropriated as they shall see fit; and the said Company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning shares of the stock.

Shares to be sold in case of failure to pay instalments. XX. That if any stockholder shall fail to pay the instalment required of him on his share or shares, within one month after the same shall have been advertised in one or more newspapers published as above directed, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days notice of the time and place of sale; and, after retaining the sum due, and all the expenses incident on the sale out of the proceeds, shall pay the surplus to the former owner or his legal representatives or assignees; and any purchaser of the stock of the Company, under the sale of the President and Directors, as aforesaid, shall be subject to the same rules and regulations as the original proprietor; and no sale by the original proprietor of stock, or his assignees, shall release the original proprietor from his obligation to the Company to pay the whole amount of his subscription; and in addition to the foregoing remedy, the President and Directors may proceed by action of assumpsit or debt, in any of the Courts of Law, for the recovery of the instalments due and not paid by any delinquent subscriber or stockholder, or his assignee, who shall not pay the same on requisition made in manner and form as aforesaid.

Additional assessments.

XXI. That if the said Company determine to increase their capital stock, by additional assessments on the original shares as herein before provided, the sums so assessed shall be called for, in such instalments, at such periods, and such notices, and not otherwise, as are provided in the nineteenth Section of this Act; and failure to pay up such assessments, shall induce a forfeiture to the Company in like manner as provided in said Section of the shares of stock on which default shall be made.

Style and powers of President and Directors.

XXII. That the President and Directors shall be styled the Direction of the Company, and shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the Company, and to do and perform all other lawful acts and deeds which by the by-laws of the Corporation, they may be authorized and required to do

and perform; and the acts or contracts of the Direction, authorized by the signatures of the President and Secretary, shall be binding on the Company, without seal. The Direction shall not exceed in their contracts the amount of the capital in the Company, and in case they do so, the President and Directors who are present at the meeting when such contracts exceeding the capital shall be made, shall be jointly and severally liable for the excess as well to the contractors as to the Company: *Provided*, that any one may discharge himself from such liability by voting against such contracts, causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the Stockholders. The Direction shall keep regular minutes of all their meetings, and of the acts there done, and they shall make a full report of the state of the Company and of its affairs to a general meeting of the Stockholders at least once in every year, and oftener, if so directed by the by-laws, and they shall have power to call a general meeting of the Stockholders when they may deem it expedient, and the Company may provide in their by-laws for occasional meetings of the Stockholders, and prescribe the mode of calling the same.

A. D. 1849.

Excess of contracts.

Proviso.

XXIII. That the following officers and persons, while in the actual employment of the said Company, shall be exempt from the performance of ordinary militia and road duty, and from service on juries, viz: The Chief Engineer and Assistant Engineers, the Commissioners and Superintending officer, the Secretary and Treasurer of the Directors, the Keeper of Depositories, the Guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotive engines, and in travelling with cars for the purpose of attending to the transportation of passengers or goods on said Road, not exceeding one white engineer and his white assistant to each engine, and one white person to each passenger car, and to every five cars for the transportation of goods.

Officers exempt from certain duties.

XXIV. That the said Spartanburg Rail Road Company shall be, and is hereby excepted from the provision of the forty-first Section of an Act, entitled "An Act to incorporate certain Villages, Societies and Companies, and to renew and amend certain Charters heretofore granted, and to establish the principles on which Charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; but nothing herein contained shall be construed to exempt the said Company from the provisions of the said forty-first Section, upon any future grant, renewal or modification of their Charter.

Exempt from the provisions of an Act.

XXV. That the said Company, if they can agree upon the terms of union, may unite with and become a part of the Laurens Rail Road Company; in which event the rights and privileges conferred by this Act shall belong to

Public Act.

A. D. 1849. the two Companies so uniting. That this Act shall be deemed a Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3072. AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

Religious Societies.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, who now are, or hereafter may become members of the following Religious Societies, to wit: "The Pine Tree Presbyterian Church," in Kershaw District; "Harmony Church," of the Old School Presbyterian Faith, in Sumter District; "The Tyrrel's Bay Church," in Marion District; "The Catfish Baptist Church," in Marion District; "The Domestic and Foreign Missionary Society," of the Evangelical Lutheran Synod of the State of South Carolina and adjacent States; "The Washington Baptist Church," of Greenville District; "The Home Branch Baptist Church," in Clarendon County, Sumter District; "The Darech Amet," or Path of Truth Congregation of Hebrews, in the town of Columbia; "The Orangeburg Presbyterian Church Society," be, and the same are hereby declared and constituted bodies politic and corporate, by the name and style to each above respectively assigned.

Odd Fellows and Temperance Associations.

II. That those persons who now are members of the following Societies and Associations, to wit: "Pulaski Lodge, No. 20, of the Independent Order of Odd Fellows," in the town of Newberry; the "Butler Lodge, No. 17, of the Independent Order of Odd Fellows," in Edgefield District; "Calhoun Lodge, No. 13, of the Independent Order of Odd Fellows," in the town of Hamburg; "Jocassee Lodge, No. 18, of the Independent Order of Odd Fellows," at Anderson Court House; the members of "Friendship Tent, Independent Order of Rechabites, No. 314, of Charleston Neck; "Vigilant Division, No. 10, of the Sons of Temperance," of Charleston Neck, be, and the same are hereby declared bodies politic and corporate by the name and style to each above respectively assigned.

Fire Companies.

III. That the members of the following Companies, to wit: "The Win-yaw Fire Engine Company," and the "Salamander Fire Engine Company," in Georgetown; "The Axemen of Charleston Neck; "The Wash-

ington Fire Engine Company, of Charleston Neck," be, and the same are hereby declared to be bodies politic and corporate in law, by the name and style to each above respectively assigned; and the members of said Companies are hereby declared exempt from the performance of ordinary militia duty: *Provided*, that the number in the Winshaw Fire Engine Company, or Salamander Engine Company, shall at no time exceed fifty.

A. D. 1849.

Proviso.

IV. That the "Trustees of Mount Hill Female Academy," at Greenville Church, in Abbeville District; the "Trustees of the Euphemian Literary Society," of Erskine College, and the members of "The Society for the relief of the families of deceased and disabled indigent members of the Medical profession in the State of South Carolina," in Charleston, be, and the same are hereby declared bodies politic and corporate in law, by the name and style to each above respectively assigned.

Mount Hill
Female Academy.

Literary Society of Erskine College.

Medical Society.

V. That the Societies and Associations aforesaid, shall have succession of officers and members according to their respective by-laws, and shall have power respectively to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court in this State, and to have and enjoy every right incident to incorporations. They are hereby empowered to retain, possess and enjoy all such property, real and personal, as they may severally possess, or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, that the amount so held, shall in no case exceed the sum of twenty thousand dollars.

Power to appoint Officers, make laws, &c.


Proviso.

VI. That the "Second Associate Reformed Presbytery of the South" be, and they are hereby authorized to nominate and appoint the Rev. J. L. Young, Dr. William Anderson, James Lindsay, Esq., Dr. E. E. Pressly, Rev. R. C. Grier, Rev. J. N. Young and Dr. G. W. Pressly, Trustees to serve during the pleasure of said Presbytery, who, with their successors similarly appointed, from time to time, are hereby declared to be a body politic and corporate, by the name and style of "Trustees of the Second Associate Reformed Presbytery of the South," to hold and manage property, real, personal or mixed, or choses in action, of the value (at the time of acquisition) of fifty thousand dollars, (\$50,000,) in trust for and subject to the control and direction of said Presbytery; all or any of the said Trustees to be at any time removed, and others appointed in their place by the said Presbytery, at its pleasure.

Second Associate Reformed Presbytery.

VII. That the "Associate Reformed Synod of the South" be, and they are hereby authorized to nominate and appoint Dr. E. E. Pressly, Dr. James P. Pressly, Rev. R. C. Grier, James Lindsay, James Fair and Archibald Kennedy, Trustees to serve during the pleasure of said Synod, who, with their successors, similarly appointed, from time to time, are hereby declared to be

Associate Reformed Synod.

A. D. 1849.  a body corporate and politic, by the name and style of "Trustees for the Associate Reformed Synod of the South," to hold and manage property, real, personal or mixed, or choses in action, of the value (at the time of acquisition) of three hundred thousand dollars, (\$300,000,) in trust for and subject to the control and direction of said Synod; all or any of said Trustees to be at any time removed, and others appointed in their place by said Synod, at its pleasure.

Town of Clinton.

VIII. That all the free white inhabitants of Blackville, in Barnwell District, are hereby declared a body politic and corporate in law, and the said town and Corporation shall be called and known by the name of "Clinton;" and the corporate limits of said town shall extend from a point on the Rail Road opposite the Depot, in every direction half a mile, and shall be governed in like manner, enjoy the same rights and privileges, and be subject to the same restrictions as are conferred and imposed on the village of Barnwell, by an Act, entitled "An Act to incorporate the village of Barnwell," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and the Acts amendatory thereof.

Charleston
Steam Tug
Company.

IX. That R. H. Tucker, Jr., J. Street, James Chapman, James Welsman, James Adger, and their associates, be, and they are hereby declared a body politic and corporate in law, by the name and style of the "Charleston Steam Tug Company;" and the said Corporation shall have succession of officers and members, according to their respective by-laws, and shall have power to make by-laws not repugnant to the laws of the land, to have, use and keep a common seal, to sue and be sued, plead and be impleaded in any Court in this State, and have and enjoy every right incident to incorporations; and the said Corporation is hereby empowered to retain, possess and enjoy all such property, real and personal, as it may possess or be entitled unto, or which it shall in any manner acquire, and to sell and transfer the same, or any part thereof: *Provided*, that the amount of property shall not exceed fifty thousand dollars.

Proviso.

Acts continued of force.

X. That the several Acts heretofore passed, incorporating the following religious societies, associations, companies, towns and villages, to wit: "The Lutheran Synod of South Carolina, Georgia and the adjoining States;" "The Turkey Creek Baptist Church," in Abbeville District; "The Village of Lowndesville;" "The Sisters of our Lady of Mercy," in Charleston; "The Black Swamp Academy," in the village of Robertville, in Beaufort District;" "The Greenwood Association of Abbeville District for the Promotion of Education;" "The Trustees of the Anderson Male and Female Academies;" "The Trustees of the Laurensville Male and Female Academies;" "The South Carolina Association," in Charleston; "The Seventy-Six Association of Charleston;" "The Town of

Aiken;" "The Lutheran Church of St. Stephens," in Lexington District; A. D. 1849.
 "The Elders of Purity Church," in Chester District, be, and the same are hereby revived, and declared of force; and they are respectively invested with all the rights, powers and privileges heretofore granted, and subject to the restrictions heretofore imposed by law; that the Act passed on the nineteenth day of December, Anno Domini, one thousand eight hundred and thirty-five, incorporating "The Greenwood Association of Abbeville District for the Promotion of Education" be, and the same is hereby renewed. And that said Association have power, and are hereby authorized to hold property, to an amount not exceeding forty thousand dollars (\$40,000). "The Sisters of our Lady of Mercy" are hereby authorized to hold such real estate as may be necessary for the residence of its members, and children, and the other charitable objects of their institution, besides other property, not exceeding the sum of ten thousand dollars, in addition to the said real estate. Sisters of Mercy.

XI. That the Hon. Job Johnston, Dr. George W. Glenn, Isaac Keller, John Garmany, Jr., George Boozer, James M. Crosson and Paul Johnston, and their successors, be incorporated by the name and style of "The Trustees of Aveleigh Church," as successors to the Trustees originally incorporated, and with the same rights and powers, except that a majority of any number to which they may be reduced, by death, removal or otherwise, shall be competent to supply vacancies in their own body; and that said Board shall have power, with the consent of a majority of the congregation, to sell and convey, or otherwise dispose of the buildings and lands of said Church, or either of them, with their appurtenances, (reserving, however, the grave-yard, by metes and bounds, to the extent of one acre, for a burial place for ever,) and to remove said Church to any point within three miles of its present location. Succession of trustees of Aveleigh Church.

XII. That the officers and members of "Kershaw Lodge, No. 9, of the Independent Order of Odd Fellows of the State of South Carolina," in Camden; the officers and members of "The Episcopal Female Bible, Prayer-book and Tract Society of Charleston," be, and the same are hereby declared bodies politic and corporate in law, by the name and style to each above respectively assigned. They shall have succession of officers and members, according to their respective by-laws, and shall have power respectively to make by-laws, not repugnant to the laws of the land; to have, use and keep a common seal; to sue and be sued, plead and be impleaded in any Court in this State; and to have and enjoy every right incident to incorporations; they are hereby empowered respectively to retain, possess and enjoy all such property, real and personal, as they may severally possess or be entitled to, or which shall, in any manner be acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, that the amount of property so held, shall not, in either case, exceed ten thousand dollars. Kershaw Lodge. Episcopal Female Bible and Tract Society. Proviso.

A. D. 1849.

South Carolina
Paper Man-
ufacturing Co.

XIII. That Ker Boyce, Joseph Walker, Benjamin C. Pressly, Ettzell L. Adams, and such persons as may hereafter be associated with them, in the manufacture of paper in this State, be, and the same are hereby declared a body corporate and politic, by the name and style of "The South Carolina Paper Manufacturing Company," with a capital stock of twenty thousand dollars, with the right to increase the same, from time to time, to sixty thousand dollars.

Powers grant-
ed.

XIV. That the said Company shall have power to purchase, have and hold, a site or sites, machinery, fixtures, and all other necessities, for the manufacture of paper, in any District in this State; to issue certificates of stock, in such manner and amount, not exceeding the sum of sixty thousand dollars, as may be determined by resolution of said Company; to have a succession of officers and members, to be chosen according to the rules and by-laws, made, or to be made, for their government and direction; to make by-laws, not repugnant to the laws of the land; to have, use and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded in any Court of Law or Equity in this State; and to have and enjoy all and every right and privilege, incident and belonging to corporate bodies; to take, hold, receive, possess, enjoy and retain such real and personal estate as they may acquire by purchase, or otherwise, not exceeding one hundred thousand dollars.

Liabilities.

XV. That the members of the said Corporation shall be liable, jointly and severally, for all debts and contracts made by such Corporation, until the amount of twenty thousand dollars of the Capital Stock of said Company shall have been actually paid in; and no note, or obligation, given by any stockholder, whether secured or otherwise, shall be considered as payment of any part of the said Capital Stock, until such note or obligation be actually paid.

Baptist Bible
Society, South.

XVI. That Wm. B. Johnson, J. R. Kendrick, James H. Cuthbert, M. T. Mendenhall, A. C. Smith, James Tupper, Wm. B. Heriot, B. C. Pressley, A. D. Cohen, and those who now may be members, or may hereafter be admitted members of the Baptist Bible Society, South, located at Charleston, shall be, and the same are hereby declared to be, a body politic and corporate, in deed and in law, by the name and style of "The Baptist Bible Society, South." And the said Corporation, by its said name, shall have perpetual succession of officers and members; and shall have power and authority to make, ordain and establish all such rules, regulations and by-laws as they may deem expedient and proper, not repugnant to the laws of the land. And the said Corporation, by their said name, shall be able and capable, in law, to have a Common Seal; and hold, occupy and enjoy any real or personal estate now or hereafter to be possessed, not exceeding in value the sum of fifty thousand dollars; and to sell, alien, demise, exchange

or dispose of the same, as the said Corporation may deem most advisable. A. D. 1849.
 And that the said Corporation, by its said name, shall be, and is hereby empowered to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State.

XVII. That the several Charters hereby granted, and those which have been renewed and revived, shall continue for the term of fourteen years from the passing of this Act. Limits of Charters.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*


AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO AUTHORIZE THE FORMATION OF THE GREENVILLE AND COLUMBIA RAIL ROAD COMPANY," AND AN ACT, ENTITLED "AN ACT TO AMEND AN ACT TO AUTHORIZE THE FORMATION OF THE GREENVILLE AND COLUMBIA RAIL ROAD COMPANY," AND FOR OTHER PURPOSES. No. 3073.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act, entitled an Act to authorize the formation of the Greenville and Columbia Rail Road Company, passed the fifteenth day of December, Anno Domini one thousand eight hundred and forty-five, and an Act, entitled An Act to amend an Act to authorize the formation of the Greenville and Columbia Rail Road Company, passed the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, be and the same are hereby amended in the following particulars, to wit: Act amended.

1st. That the capital stock of said Company, instead of being limited to fifty thousand shares of twenty dollars each, may be increased from time to time, if the said Company should find it necessary, to one hundred thousand shares of twenty dollars each. Increase of stock.

2d. That the said Company shall have power to construct a branch of their Road from any point on the main trunk, in Abbeville District, to Abbeville Court House; and for that purpose, to accept and receive the stock already subscribed, or hereafter to be subscribed, and the same to require to be paid on such terms as have already or may hereafter be prescribed. Power to construct Branch.

3d. That hereafter the agreement to take and subscribe stock in the said Greenville and Columbia Rail Road Company, evidenced by any note or memorandum in writing, signed by the party to be charged, or by some one Subscriptions to stock valid.

A. D. 1840.  for him, her or them, and stating the number of shares intended to be subscribed for, shall be held and taken to be a good and valid subscription, and may be enforced by action in any Court of Law in this State, any law, usage or custom to the contrary notwithstanding, without any pretence of forfeiture whatever, except as the said Company may choose to declare forfeitures to enforce collections.

Limits of
Road, &c.

4th. That the line of said Company's Road now constructed, constructing or to be constructed, shall be established from Columbia to Newberry Court House, thence through Abbeville District to Anderson Court House, (including the branch herein provided for to Abbeville Court House,) and from, at or near Dr. Brown's, in Anderson District, to Greenville Court House; that the location of the line from Dr. Brown's to Anderson Court House, (unless, when necessary, between these points, to change the intermediate location,) shall be forever unchanged and unchangeable by the said Company; and the said Company shall speedily, and as soon as practicable, complete their said road to Anderson Court House, and shall at all times run that portion of their road from, at or near Dr. Brown's to Anderson Court House, with steam power and sufficient accommodation of cars for freight, passage and transportation of the mails as often as they may run to or from

Power granted
to enforce
provisions.

Greenville Court House, for the same or other purposes; and that the power to enforce these provisions in favor of the stockholders of Anderson District, be vested in the Town Council of Anderson for the time being, and each and any of the stockholders, or their assigns, residing in the District of Anderson, by writ of mandamus, to be granted by any of the Judges of this State in term-time or vacation.

Special provision
as to land.

5th. That in no case shall the said Greenville and Columbia Rail Road Company be compelled, under the ninth, tenth and eleventh sections of the Act to authorize the formation of the Greenville and Columbia Rail Road Company, passed the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, to take an assessment and valuation of one hundred feet on each side of their railway; but that they may take any less quantity of the land of any owner which may be necessary, and which their engineers may designate to the Commissioners making the said assessment and valuation.

State stock.

6th. That, for the purpose of aiding in constructing the Branch Road to Abbeville Court House, and in completing the Road to Greenville, the Comptroller General be, and he is hereby authorized to subscribe, on the part of the State, seventy-five thousand dollars to the capital stock of said Company, to be paid by transferring to the Greenville and Columbia Rail Road Company, shares at par in the South Carolina Rail Road Company, as follows, to wit: twenty-five thousand dollars so soon as the grading of the Branch Road to Abbeville Court House is completed;

and fifty thousand dollars so soon as the grading of the Road from, at or near Dr. Brown's, shall be completed to Greenville Court House. A. D. 1849.

7th. That this Act, with its several amendments of an Act, entitled "An Act to authorize the formation of the Greenville and Columbia Rail Road Company," passed on the fifteenth day of December, Anno Domini one thousand eight hundred and forty-five, shall be, and is hereby excepted from the provisions of the forty-first Section of an Act, entitled "An Act to incorporate certain Villages, Societies and Companies, and to renew and amend certain Charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one. Exceptions
to provisions of
Acts.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO APPORTION THE REPRESENTATION OF THIS STATE. No. 3074.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every of the Election Districts throughout this State, at the next, and all future elections, until a new apportionment of the Representation be made by a future Legislature, respectively elect the following number of Representatives, to wit: Abbeville, five representatives; All Saints, one representative; Clinton or Barnwell, four representatives; Chester, three representatives; Chesterfield, two representatives; Christ Church, one representative; Claremont, three representatives; Clarendon, two representatives; Darlington, three representatives; Edgefield, six representatives; Fairfield, three representatives; Greenville, four representatives; Kingston, one representative; Kershaw, two representatives; Lancaster, two representatives; Laurens, four representatives, Saxe-Gotha, two representatives; Liberty, three representatives; Marlborough, two representatives; Newberry, three representatives; Orange, two representatives; Pendleton, seven representatives; Prince Williams', two representatives; Winyaw, three representatives; Richland, four representatives; Spartan, five representatives; St. Andrews', one representative; St. Bartholomew's, three representatives; St. George's, (Dorchester,) one representative; St. James', (Goose Creek,) one representative; St. James', (Santee,) one representative; St. John's, (Berkley,) one Apportion-
ments.

A. D. 1849. representative; St. John's, (Colleton,) two representatives; St. Helena, one representative; St. Luke's, one representative; St. Mathew's, one representative; St. Paul's, one representative; St. Peter's, two representatives; St. Thomas and St. Dennis, one representative; Union, three representatives; Williamsburg, two representatives; York, four representatives; Charleston, (including St. Phillip's and St. Michael's,) eighteen representatives; St. Stephen's, one representative.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3075. AN ACT TO ALTER THE LAW IN RELATION TO SLAVES HIRING THEIR OWN TIME, AND FOR OTHER PURPOSES.

Act amended. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sixth Section of an Act, entitled "An Act for the better Regulation and Government of Free Negroes and Persons of Color, and for other purposes," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, be so altered and amended, that from and after the twelfth day of March next, it shall not be lawful for any person, owning, or having in charge, any male or female slave, to permit such slave to hire his or her time, labor or service; and any person, owning, or having in charge, a slave or slaves, so offending, shall be liable to a penalty of Fifty Dollars, to be recovered by indictment, one half of which shall be paid to the informer, and the other half to the use of the District in which the offence is committed; and that all provisions heretofore made by law in relation to said offence, be, and the same are hereby repealed.

When to take effect.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO EXTEND THE LIMITS OF THE CITY OF CHARLESTON.

A. D. 1849.

No. 3076.

WHEREAS, The growing importance and increasing population of that part of the Parish of St. Phillip, which lies to the north and west of Boundary street, renders it necessary to provide for the same a more efficient police, and in order to avoid a conflict of jurisdiction, it is expedient to unite the same with the city of Charleston : Therefore,

Preamble.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, That all that part of St. Phillip's Parish, lying between the present limits of the city, and a line to be drawn due west from Cooper River to Ashley River, by the junction of Meeting and King street, be divided into four Wards, as the Commissioners of Cross Roads may deem most advisable; and to each of said Wards shall be assigned a Representation in the City Council of Charleston, according to their respective numbers, with the same proportion as the other Wards of the city, and that, in the next election for Mayor and Aldermen of the city of Charleston, the polls in the new Wards, as well as in the other Wards of the city, shall be opened in the same manner as heretofore prescribed by law, for the election of Aldermen for each Ward, and a Mayor for the whole city. And from and after the first Monday in September next, the authority of the several Boards of Commissioners for the Poor and for the Main and Cross Roads, over that part of Charleston Neck, between the present limits of the city and the line hereinbefore mentioned, shall cease and determine, and the jurisdiction and authority of the City Council of Charleston shall be extended over all that part of St. Phillip's Parish, and the same shall be, to all intents and purposes, incorporated with the City of Charleston, subject, however, to the following conditions and restrictions, that is to say :

Limits extended.

Elections.

Jurisdiction.

1st. That all the debts of the city now in existence, shall be charged on the property now possessed by the city, and paid by those now liable for the same.

City debts.

2d. That all taxes to be levied upon that part of St. Phillip's Parish hereby incorporated with the city, within ten years next succeeding such incorporation, shall be applied exclusively in manner following, that is to say : first, to pay a proportionable part of the general expenses of the corporation, and next to the special and proper benefit and improvement of that part of St. Phillip's Parish hereby incorporated with the city.

Taxes—how applied.

3d. That all lands, slaves, horses, carts, &c., which may be exclusively employed in agriculture, shall, while so employed, be exempt from city taxation.

Exemptions from taxation.

A. D. 1849.

Erection of
wooden build-
ings.

4th. That no part of the laws, ordinances, and regulations against the erection of wooden buildings in the city of Charleston, shall have effect or application in that part of St. Phillip's Parish incorporated with the city by this Act, until the expiration of twenty years from the passing of this Act, except in such Wards as may, by vote of the major part of the inhabitants of such Ward, express their consent, and request that the same be extended to them at an earlier period.

Property
vested.

II. *And be it further enacted*, That all the property now belonging to the city of Charleston, shall be vested in the corporate body to be formed by the annexation herein provided for, subject only to the claim of the present creditors of the city, for payment of their demands out of the coffers or revenue of the same; and that all the laws and regulations of force in the city of Charleston, shall extend and be binding over that part of St. Phillip's Parish hereby incorporated with the city, subject only to the foregoing conditions and restrictions, and to such modifications as may, from time to time, be made therein by future legislation, or by necessary implication.

Laws ex-
tended.Commission-
ers appointed.

III. *And be it further enacted*, That J. B. Fon, J. L. Nowel, James L. Petigru, H. W. Peronneau, and G. N. Reynolds, be appointed Commissioners for running and making the boundary line between the city and the unincorporated part of St. Phillip's Parish, and apportioning the Representation of the new Wards, and making all other arrangements that may be necessary or proper for carrying this Act into execution.

Proviso.

IV. In case the Commissioners of Cross Roads shall not execute the duty hereinbefore charged upon them, before the first day of June next, the said duty shall devolve upon and be discharged by the Commissioners named in the third section.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3077. AN ACT TO ESTABLISH A COMPANY UNDER THE NAME OF THE MOUNT PLEASANT FERRY COMPANY.

Company in-
corporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That upon compliance with the second Section of this Act, Charles Jugnot, Oliver B. Hillard, and such other persons as may become members thereof, be, and they are hereby declared a body politic and corporate by the

name of the Mount Pleasant Ferry Company, for the purpose of conveying passengers and transferring goods, wares and merchandize by Steam Boats, between the city of Charleston and Mount Pleasant, in Christ Church Parish, and between the said city and any other place or places. A. D. 1849.

II. That the said Charles Jugnot and Oliver B. Hillard, in order to entitle themselves to the benefits of this incorporation, shall make out a fair schedule of all the property belonging to them, jointly or severally, as proprietors of Mount Pleasant Ferry Company, accurately describing the same, the real estate by metes and bounds, with a declaration under their hands and seals of the shares and proportion to which each of them is individually entitled, the whole being divided into sixty equal parts, and shall record the said schedule and declaration in the offices of the Secretary of State and Register of Mesne Conveyances in Charleston, on or before the first day of April next; and from the day when the said schedule and declaration shall be recorded in the said offices, the said property, real and personal, so described, shall be vested in the said Mount Pleasant Ferry Company, and the said Charles Jugnot and Oliver B. Hillard shall be and become owners of the same number of shares in the capital stock of the said Company as they are so declared to be respectively entitled to in the said property, which said shares shall be estimated at one thousand dollars as their par value, as to all liabilities to which the members of the said Company may become individually answerable by the provisions of the third Section of this Act.

III. That the said Company shall have the right to increase its capital to the extent of forty thousand dollars, in shares of one thousand dollars each, upon public notice of their intention so to do in two or more of the daily newspapers of the city of Charleston, given at least thirty days before. And every member of the said Company shall be individually liable for all debts contracted during the time he or she shall be a member or shareholder in the said Company to the extent of the par value of his or her shares in the same, and shall be answerable in any action at law therefor against him, notwithstanding the nonjoinder of the other shareholders or any of them, at any time after the return of nulla bona may have been made by the Sheriff of Charleston District upon any execution issued against the said Company. But nothing herein contained shall be construed to deprive any of the shareholders of any equitable rights against the creditors and other shareholders of the said Company.

IV. That in all elections and in all meetings of the Corporation, each shareholder shall be entitled to as many votes as he or she shall hold shares, one vote for every share; and shareholders absent from any meeting or election shall be entitled to vote by proxy; but none but a shareholder shall be allowed to act as proxy.

A. D. 1849.

Officers and
their powers.

V. That the said Company shall have such number of officers as shall be ordained and chosen by the rules and by-laws to be made for their government and direction, and shall have power and authority to make all rules and by-laws not repugnant to the laws of the land, to regulate the issue of script and transfer of shares, to have and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any Court of Law or Equity, to purchase, take and hold, sell and alien in fee simple or for any less estate, lands, tenements, hereditaments, goods, chattels, rights and credits which may be connected with or in any manner conducive to the purpose for which said Company is established.

Public Act.

VI. That this Act shall be taken and deemed to be a public Act ; shall be and continue of force for the term of fourteen years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3078. AN ACT TO AMEND THE LAW IN RELATION TO THE LIEN OF JUDGMENTS.

Act amended.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, no Judgment, nor any Execution issued thereon, shall, as against any creditor or creditors of the party or parties against whom such Judgment shall have been obtained, by confession or otherwise, or against any purchaser or purchasers for valuable consideration, have any lien on the property, or any part thereof, of any such party, except in the District where the Judgment is first entered and Execution lodged, until an Execution issued thereon be lodged in the proper office in the District wherein such party usually resides at the time when such Judgment was obtained : *Provided*, nevertheless, that this Act shall have no force or effect as to Defendants who are non-residents of this State, and transient persons.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO CHARTER THE CHERAW AND DARLINGTON RAIL ROAD COMPANY.

A. D. 1849.

No. 3079.

I. *Be it enacted*, by the Senate and House of Representatives now met and sitting in General Assembly and by the authority of the same, That for the purpose of establishing a communication by Rail Road from Cheraw to some point on the Wilmington and Manchester Rail Road in the District of Darlington, the formation of a corporate Company, is hereby authorized to be called the Cheraw and Darlington Rail Road Company, which Company, when formed in compliance with the conditions hereinafter prescribed, shall have corporate existence as a body politic in this State. Act of incorporation.

II. That said Company is hereby authorized to construct a Rail Road from the Town of Cheraw to some point on the Wilmington and Manchester Rail Road, in the District of Darlington, by a route to be determined by said Company after the same shall have been formed. Power to construct.

III. That for the purpose of raising the capital stock of said Company, it shall be lawful to open books in the Town of Cheraw, under the direction of James Wright, D. Maloy, J. W. Leek, John A. Moore, and James Powell; at Darlington Court House, under the direction of E. W. Charles, Samuel A. Woods, and John F. Ervin; at Society Hill, under the direction of Thomas Smith, Caleb Coker, and James H. Macintosh; at Marlborough Court House, under the direction of B. D. Townsend, William J. Cook, and C. W. Dudley; at Marion Court House, under the direction of A. McIntyre, D. J. McDonald, and J. Eli Gregg; and at Sumterville, under the direction of William Haynesworth, D. B. McLaurin and James D. Blanding; and at any other place or places in the States of South Carolina or North Carolina, under the direction of Commissioners designated by a majority of the aforesaid Commissioners in the Town of Cheraw, for the purpose of receiving subscriptions, to an amount not exceeding Four Hundred Thousand Dollars, in shares of Fifty Dollars each; the amount so subscribed to constitute a joint stock capital for the purpose of constructing and carrying into operation the Rail Road by this Act provided for. That the times and places for receiving such subscriptions, shall be fixed by the Commissioners in the Town of Cheraw or a majority of them, and shall be advertized for thirty days in one or more newspapers in this State and in the State of North Carolina, and the books for receiving subscriptions shall be kept open for sixty days at each of the places where the same shall be opened. That on each share of the stock subscribed, the subscriber shall pay to the Commissioners, who shall take the subscription for the same, the sum of Five Dollars in specie, or the notes of specie-paying Banks of this State, or the State of North Carolina, the said Commissioners giving Raising Capital stock, &c.

A. D. 1849. a receipt or certificate for the same. And at the expiration of the time hereby prescribed for keeping open the Books, the said Commissioners, and others receiving subscriptions, shall deposit the sums received by them in some specie-paying Bank in this State, and shall make a return of the subscriptions taken by them and the sums paid thereon, to the Commissioners in the Town of Cheraw.

Organization
of Company.

IV. That when the sum of One Hundred and twenty-five thousand Dollars shall be subscribed for, in manner herein prescribed, the subscribers shall be, and they are hereby declared to be incorporated into a Company, by the name and style of "The Cheraw and Darlington Rail Road Company," and may meet and organize the said Company at such time and place as may be designated by a majority of the Commissioners herein named for the Town of Cheraw.

Powers vested.

V. That for the purpose of organizing and forming this Company, all the powers conferred by the Charter of the Wilmington and Manchester Rail Road Company on the Commissioners therein named, shall be vested in the Commissioners hereby appointed in the Town of Cheraw; and all the powers, rights and privileges, granted by the Charter of the Wilmington and Manchester Rail Road Company to that Company, shall be and are hereby granted to the Cheraw and Darlington Rail Road Company,

Exceptions.

and subject to the conditions therein contained, except as to the amount of the capital stock, the amount of shares and the sum necessary to authorize organization, and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3080. AN ACT TO AMEND AND RENEW THE CHARTER OF ST. PETER'S CHURCH,
CHARLESTON.

Charter re-
newed and a-
mended.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, That from the passage of this Act, all the corporate powers, rights, privileges and property then belonging to the Corporation of St. Peter's Church, Charleston, shall be vested in the persons then acting as Vestry and Wardens of the said Church; and the said Vestry and Wardens, and their successors in office forever, be and they are hereby

declared to be a body corporate in deed and in law, under the name and title of St. Peter's Church, Charleston; and by the said name shall have perpetual succession of officers and members, and a common seal, with power to alter, change, break and make new the same, as often as may be deemed expedient; and the said Corporation shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself in perpetuity, or for any term of years, any estates, goods, chattels, lands or tenements of what kind or nature soever, not exceeding the value of sixty thousand dollars; and to sell, alien or lease the same or any part thereof, or to grant or convey any interest or right in the same, or any part thereof, as they shall think proper, and may, by the said name sue, and be sued, implead and be impleaded, answer and be answered unto, in any Court of this State.

A. D. 1849.

II. All the temporal interests and affairs of this Church shall be governed and controlled by seven Vestrymen and two Wardens, to be elected annually on Easter Monday; the election to be held by such persons as shall be appointed by the Vestry; and no person shall be eligible to the office of Warden or Vestryman, unless he be a member of the Congregation, and be contributing to the support of the Church; and in case of any failure to make an election, the Vestry and Wardens then in office, shall hold over until a new election.

Election of Vestrymen.

III. Every male worshipper in St. Peter's Church, of full age, owning or hiring a pew, or part of a pew, for three months immediately previous to the election, shall be entitled to vote for the Vestry and Wardens of the Church.

Qualification of voters.

IV. The said Vestry and Wardens shall have power to make such assessments upon the pews as they shall see fit; and if any pew-holder shall refuse or neglect to pay the sum at which any pew shall be assessed, for more than six months after such assessment shall have been made, then it shall be lawful for the said Vestry and Wardens, or a majority of them, to let out, hire or sell the said pew, for the purpose of paying the assessment in arrear, as aforesaid.

Assessments.

V. The Corporation hereby created are hereby vested with all the powers and authorities which are vested in any Episcopal Church in this State.

Powers.

VI. This Act shall be deemed a public Act, and as such, shall be recognised in all judicial proceedings.

Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

No. 3081.

AN ACT TO ALTER AND AMEND AN ACT, PASSED THE NINETEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT, IN SUNDRY PARTICULARS, ENTITLED "AN ACT TO INCORPORATE THE KEOWEE TURNPIKE COMPANY."

Act amended. I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General assembly, and by the authority of the same, That the first Section of an Act, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight, entitled "An Act to Incorporate the Keowee Turnpike Company," be repealed, and that the following Section be substituted, that is to say: That all such persons as may associate together for that purpose, be authorized and empowered to lay out, erect and keep in repair a Turnpike Road, in Pickens District, in this State, from some point at or near the junction of the Ridge dividing the waters of Keowee and Little Rivers with the Chatuga Ridge, thence the most practicable route to a point on the line of this State and North Carolina that may be agreed on between the Tuckasege Company in North Carolina and the Company herein authorized; and for the purpose of establishing the said Road, the said Company herein authorized shall be and they are hereby incorporated as a body politic and corporate by the name and style of "The Keowee Turnpike Company," and shall have succession of officers and members, to be appointed according to the By-Laws and Regulations the said Company may establish; and that the second Section of the same Act be altered and amended so as to increase the capital stock of the said Company to six thousand dollars, and so to alter and amend the fourth Section of the same Act, as to extend the time of commencing the said Road to two years from the ratification of this Act.

Dimensions
of Road.

II. That the Road herein by this Act authorized to be laid out, shall be laid out in the following manner, that is to say: The width of the said Road shall be twenty feet, clear of obstructions, except in such places as may require the whole width to be made by side cutting, when it shall be made fifteen feet clear of the drains and breast works. The inclinations of said Road shall not exceed one foot perpendicular to twelve feet horizontal, and this steepness only to be authorized when it is not practicable

Rates of toll. to avoid it. That the fifth Section be altered and amended so as to authorize the said Company to take and receive the following rates of toll, that is to say: On every six horse road wagon, twenty-five cents; on every four horse road wagon, twenty cents; on every three horse road wagon, fifteen cents; on two horse wagons and carts, ten cents; for each horse or mule without a rider, one cent: with a rider, five cents; on ever head of cattle, one cent; on every head of hogs and sheep, one-half cent; on every

animal designed for exhibition, fifty cents; on every four-wheeled pleasure carriage, thirty-seven and a half cents; for each buggy, with four wheels, and every other one horse pleasure carriage, twenty-five cents. A. D. 1849.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO APPOINT COMMISSIONERS FROM HORRY DISTRICT, FOR NO. 3082.
CLEANING OUT LITTLE PEE DEE RIVER, AND OTHER PURPOSES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William H. Johnston, A. B. Skipper, Hugh Floyd, Jr., and William Lewis, be hereby appointed Commissioners for the District of Horry, for cleaning out Little Pee Dee River from the junction of the Little and Great Pee Dee to Drowning Creek. Commissioners appointed.

II. That the Commissioners appointed under this Act, or to be hereafter appointed, according to the provisions of the law in such cases made and provided, shall be allowed five hands and one overseer to each section of the said River, which section shall contain twenty miles in length by water, any law, usage or custom to the contrary notwithstanding. Powers granted.

III. That the Commissioners for cleaning out the Little Pee Dee River for the District of Marion, are hereby authorized to call out for cleaning said River, ten hands for every section of twenty miles, from the junction of Little Pee Dee and Lumber River, so far up the said Pee Dee River as it is navigable, instead of the number heretofore authorized by law; and all Acts and clauses of Acts repugnant to this Act are hereby repealed.

IV. That the Commissioners duly appointed for the District of Horry, are hereby invested with all the authority and powers now invested by law in the Commissioners for the District of Marion.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

No. 3083.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO PREVENT INTERMENTS IN THE SAID CITY, WITHOUT A PROPER CERTIFICATE OF THE DISEASE OF WHICH THE DECEASED DIED, AND FOR OTHER PURPOSES.

Powers
granted:

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the City Council of Charleston shall be, and is, hereby authorized to prevent interments within the corporate limits of the said city of Charleston, without a proper Certificate of the disease of which the deceased died, and to pass all ordinances necessary to prevent the same.

Registration
of Births, &c.

II. And the said City Council of Charleston are further authorized and empowered to require Physicians and Coroners, under a penalty, to give such Certificates; and they are also empowered to establish a more effectual system for the Registration of Births, Deaths, and Marriages within the said city.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3084.

AN ACT TO INCORPORATE THE VILLAGE OF YORK.

Village incor-
porated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now own, or may hereafter own dwelling-houses in the village of York, or those who may occupy such dwelling-houses under lease, shall be deemed, and are hereby declared a body politic and corporate; and that the said village shall be known by the name of Yorkville, and its limits shall be held and deemed to extend for one mile in every direction from the Court House situated therein.

Election of
Officers.

II. That the said village shall be governed by an Intendant and four Wardens, who shall be elected on the second Monday in February next, ten days notice thereof to be given by the Clerk of the Court for York District, and the election to be held by the Managers of Election who may then be in office for the village of York; on which day, as well as on the second Monday of February of every year thereafter, an election shall be held for

an Intendant and four Wardens, (who shall always be freeholders and residents in the limits of said village,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein twelve months previous to the election, shall be enabled to vote for the said Intendant and Wardens; the election to be held from ten o'clock in the morning until one o'clock in the afternoon, and when the poll shall be closed, the Managers shall proclaim the election, and give notice thereof in writing to the persons elected; and that the Intendant and Wardens for the time being shall always appoint three Managers to hold the ensuing election; that the Intendant and Wardens, before entering upon the duties of their office, shall take the following oath, to wit: "As Intendant or Warden of Yorkville, I will equally and impartially, to the best of my skill and ability, exercise the trust imposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

A. D. 1849.

Oath.

III. That in case a vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office, absence from the State, or refusal to serve when elected, an election shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days previous notice being given, to fill up said vacancy; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a council, shall be empowered to elect one of themselves to act as Intendant during the time.

Vacancies.

IV. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of Magistrates (except for the trial of small and mean causes) within the limits of the said village; that the Intendant shall, as often as occasion may require, summon the Wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Yorkville; and they and their successors in office shall have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons, to act as constables, as they shall deem expedient and proper, which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and requisitions provided by the laws of this State for the office of Constable; and the Intendant and Wardens in Council, shall have power, under their corporate seal, to ordain and establish all such rules, by-laws, and ordinances, respecting the streets, ways, alleys, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving

Powers.

A. D. 1849. health, peace, order and good government within the same ; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the Corporation ; but no fine shall exceed fifty dollars ; and when fines shall exceed ten dollars, they may be recovered in the Court of Sessions for York District, and when they are of the amount of ten dollars, or under, they may be recovered before the Intendant and Wardens : *Provided*, that nothing herein contained shall empower the said Council to ordain or establish any by-laws or ordinances inconsistent with, or repugnant to, the laws of this State, and all such by-laws and ordinances shall, at all times, be subject to the revisal or repeal of the Legislature.

Nuisances. V. That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require ; and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law.

Repair of Roads, &c. VI. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and alleys within the said limits, open and in good repair ; and for this purpose, they are invested with all the powers granted by law to the Commissioners of Roads ; and for neglect of duty, they shall be liable to the penalties imposed by law on Commissioners of Roads for like neglect.

Road duty. VII. That the said Intendant and Wardens shall have power to compound with persons liable to work on the said roads, streets and alleys—to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said corporation ; and no persons residing within said limits, shall be liable to work on any road without said limits.

Tax on Real Estate. VIII. That the said Intendant and Wardens shall be empowered to impose a tax on real estate, within their corporate limits, not exceeding one-fourth of one per cent. on the assessed value thereof.

Licenses. IX. That the said Intendant and Wardens shall have power to grant licenses for retailing spirituous liquors within the corporate limits of said village, in the same manner and under the same regulations and restrictions, that the Commissioners of Roads by law now have the right to do, and to receive the moneys arising therefrom, and appropriate the same to the use of the said incorporation ; the inhabitants of the said village shall, nevertheless, be liable to be assessed by the Commissioners of Roads and Bridges, in common with the other citizens of York District.

Tax on Exhibitions. X. That the said Intendant and Wardens shall have power to collect the taxes from all persons representing within their corporate limits, for gain or

reward, any plays or shows, of what nature or kind soever, which have hitherto been payable to the Clerk of the Court of said District, to be used for the purposes of said incorporation. A. D. 1849.

XI. That this Act shall be taken and deemed as a public Act in all Courts of Justice, and shall continue in force seven years, and until the end of the next Session of the Legislature thereafter. Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*
JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE TOWN OF CHESTER.

No. 3085.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons, citizens of the United States, having resided twelve months in the town of Chester, shall be deemed and are hereby declared to be a body politic and corporate, and the said town shall be called and known by the name of Chester, and its corporate limits shall extend one-half mile from each square from the Court House now in said town. Town incor-
porated.

II. The said town shall be governed by an Intendant and four Wardens, (who shall always be citizens of the United States, and shall have been residents of the said town for twelve months immediately preceding their election,) who shall be elected on the second Monday in January in every year, ten days public notice being previously given, and that all free white male inhabitants, citizens of the United States, and who shall have resided in the said town for twelve months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens. Election of
Officers.

III. The election for Intendant and Wardens of the said town shall be held in the Court House, or some other convenient public place in the said town, from ten o'clock in the morning until three o'clock in the afternoon; and when the polls shall be closed, the managers shall forthwith count the votes and proclaim the election, and give notice in writing to the persons elected. The Commissioners of the village of Chester shall give the legal notice, and appoint three managers for the first election, which shall be held on the second Monday in January next. The Intendant and Wardens for the time being shall always appoint three managers to hold the ensuing election, and for any subsequent election. Whenever there shall not be an Election of
Officers.

A. D. 1849.

Oath.

Intendant and Wardens, or Intendant and Warden, from any cause whatever, it shall be the duty of the Clerk of the Court for Chester district, to order such election forthwith ; and appoint three managers for the same. The managers in each case, shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same. And that the Intendant and Wardens, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State, and also the following oath : "As Intendant or Warden of Chester, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavours to preserve the peace, and carry into effect, according to law, the purposes for which I have been elected—So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in January ensuing, and until their successors shall be elected, and enter upon the discharge of the duties of their office.

Vacancies.

IV. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, or Warden, as the case may be, or the Clerk of the Court of Chester district, if there should be no Intendant or Warden, ten days public notice being previously given ; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council shall be empowered to elect one of the Wardens to act in his room during the time.

Powers.

V. That the Intendant and Wardens duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of magistrates, (except for the trial of small and mean causes,) within the limits of said town, and the Intendant shall and may, as often as he may deem necessary, summon the Wardens to meet in council, any two of whom with the Intendant, may constitute a quorum to transact business ; and they shall be known by the name of the "Town Council of Chester," and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances ; and the Intendant and Wardens shall have full power, under their corporate seal, to make and establish all such rules, by-laws and ordinances respecting the streets, roads and police of the said Town as shall appear to them necessary and requisite, for the security, welfare and convenience of the said town, and for preserving health, peace, order and good government within the same ; and the said Town Council of Chester may impose fines, for offences against their by-laws and ordinances, and appropriate the same to the public uses of said town. And said Council shall have the same power which magistrates now have to compel the attendance of

witnesses, and requiring them to give evidence upon the trial before them of any person for a violation of any of their by-laws or ordinances. But no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in the Court of Common Pleas: *And provided also*, that no fine shall exceed twenty-five dollars; and also that nothing herein contained, shall authorize the said Council to make any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all the by-laws, rules and ordinances the said Council may make, shall at all times be subject to revisal or repeal by the Legislature of this State. The Intendant and Wardens shall also have power, and they are hereby authorized to elect or appoint a Marshal, upon such terms as they may deem proper, who shall be duly sworn and invested with all the powers constables now have by law, and whose power and authority shall be confined within the corporate limits of said town, and whose duty it shall be to enforce and carry into execution and effect the by-laws and ordinances of the said corporation, and shall be liable to be removed by the said Town Council.

A. D. 1849.

Proviso.

VI. That the power and duty of appointing, organizing and superintending the patrol in the said town, be, and the same is hereby transferred to the said Town Council, and the said Council shall have exclusive power to appoint leaders of patrol within the limits of said town, and to arrange the number to be on the patrol, and to enforce the faithful performance of patrol duty, under the same fines and penalties that are now, or may hereafter be established by law; and all fines and penalties imposed by them upon any defaulter, for neglect or refusal to perform patrol duty, shall be collected and paid over to said Council, for the use of the said Corporation.


Patrol.

VII. The said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall also be their duty to keep all roads, ways and streets within the corporate limits of the said town open and in good repair, and for that purpose, they are invested with all the powers granted to the Commissioners of Roads; and they shall have full and exclusive power to order out all the hands now liable, or hereafter made liable by the laws of this State, and to require them to work on the respective roads, ways and streets within the limits of said Corporation, as many days in each year, and to inflict the same fines and penalties, for the non-performance thereof, as is by law now inflicted and imposed by the different Boards of Commissioners of High Roads and Bridges in the respective Districts of this State; and for neglect of duty therein, they shall be liable to the same penalties as are now imposed on Commissioners of Roads. The said Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets, upon the payment of such a sum of money as they may deem a fair equivalent there-

Nuisances.

Repair of Roads.

Road duty.

A. D. 1849.  for, to be applied to the use of said Corporation. And the Intendant and Wardens are hereby individually exempted from the performance of road and patrol duty, and the inhabitants of said town are hereby excused from road and patrol duty without the limits of said town. And for the repairing and keeping in good order the said roads, ways and streets, they are hereby empowered to use all such timber, stone, gravel, and other materials, in the same way and to the same extent as is now, or may hereafter be permitted to be used by law.

Materials for
Roads.

Licenses.

VIII. That the power to grant or refuse licenses for billiard tables, to keep tavern, or to retail spirituous liquors within the limits of said Incorporation, be, and the same is hereby vested in the Town Council of Chester; and the said Council may grant licenses to retail spirituous liquors to such persons, and in such quantities, at such rates, and upon such terms and conditions as the said Council may deem fit and proper; and the said Intendant and Wardens shall have the full and only power to impose a tax on all shows or exhibitions, for gain or reward, within the limits; and all money paid for license for retailing spirituous liquors, keeping tavern, and billiard tables, and the tax on all shows, for gain or reward, within the said limits, shall be appropriated to the public use of said Corporation.

Side walks.

IX. That the said Intendant and Wardens shall have power and authority to require all persons owning a lot or lots in the said town, to make and keep in good repair side-walks in front of their dwellings, stores, offices or shops, of sufficient width, (which width the said Council has power to designate); and for default or refusal to make and keep in repair such side-walks, the Town Council may cause the same to be made, or put in repair, and require the owner to pay the price of making or repairing: *Provided*, that such contract for making or repairing be always let to the lowest bidder.

Proviso.

Property.

X. That the said Town Council of Chester shall also be empowered to retain, possess and enjoy all such property as they may now be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them. And to sell, alien, or in any other way transfer the same, or any part thereof: *Provided*, the amount of property so held, or stock invested, shall in no case exceed ten thousand dollars.

Proviso.

Tax on Real
Estate, &c.

XI. That the said Town Council of Chester shall have power to impose an annual tax on all real estate, all stock in trade, all stocks of every kind, (Rail Road stock excepted,) all moneys loaned out on interest, all negroes, all carriages and wagons, all horses and mules, all neat cattle and hogs, all gold and silver watches, within the corporate limits of said town: *Provided*, that no tax shall be imposed in any one year to exceed the rate of five cents on each hundred dollars worth on the value of such property or capital, which valuation shall be ascertained by three assessors for that purpose, by

Proviso.

the Town Council appointed, who shall take an oath to assess the same according to the best of their knowledge and understanding; the money so raised to be applied by the said Town Council to the uses of the said Corporation. A. D. 1849.

XII. That the said Town Council shall have power and authority, and it shall be their duty to lay off and define the roads and streets within the said incorporation, and all roads and streets within the said incorporation shall be not less than thirty feet wide; and the said Town Council shall lay off and define the said roads and streets fifteen feet from the centre of the said roads or streets, when the said centre can be ascertained, and whenever the same shall be uncertain or doubtful, the said Council shall fix and designate a centre for said roads or streets, and have the said roads or streets laid off accordingly and marked, and a plat of the same. Dimensions
of Roads and
Streets, &c.

XIII. That all the fines, taxes or commutation moneys inflicted by the said Town Council of Chester, shall be collected by a *feri facias*. Collection of
Fines and Tax-
es.

XIV. That for any wilful violation or neglect of duty, mal-practice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment in the Court of Sessions, and upon conviction thereof, to punishment by fine, at the discretion of the Court, not exceeding one hundred dollars, and to removal from office, besides being liable for damages to any person injured. Indictment of
Town officers.

XV. This Act shall be deemed and taken to be a public Act, and shall continue of force for fourteen years, and until the end of the session of the Legislature then next following, and that all Acts or parts of Acts of incorporation, or amendments of the incorporation of the village of Chester, repugnant to this Act, be, and the same are hereby repealed. Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE "THE SOCIETY FOR THE RELIEF OF THE FAMILIES OF DECEASED AND DISABLED INDIGENT MEMBERS OF THE MEDICAL PROFESSION OF THE STATE OF SOUTH CAROLINA." No. 3086.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President, officers and members of the Society for the relief of the fami- Society in-
corporated.

A. D. 1849.



lies of deceased and disabled indigent members of the Medical Profession of the State of South Carolina, and such persons as may hereafter become members thereof, and their successors, officers and members, shall be and the same are hereby declared to be a body corporate and politic, in deed and in name, by the name of "The Society for the relief of the families of deceased and disabled indigent members of the Medical Profession of the State of South Carolina," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same, as often as the said Corporation shall judge expedient; and the said Corporation shall be liable and capable in law to purchase, have, hold or receive, enjoy, possess and retain to itself and its successors, in perpetuity, any and every estate, real or personal, whether accruing to the same by gift, purchase, devise or conveyance; and the same, or any part thereof, to sell, alien, demise or exchange, as often as the said Corporation may deem proper; and by its name, to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State; and to make all such By-Laws and Rules for the government of the said Corporation, as may from time to time be deemed necessary: *Provided*, the same be not repugnant to the laws of the land: *And provided*, the same be made by such majority or quorum as may by the laws of the said Society be declared competent to make the same.

Provisos.

Object of incorporation.

II. That the principal end of the said Corporation shall be to succour and maintain, and relieve the families of deceased and disabled indigent members of the Medical Profession of the State of South Carolina, members thereof, in such manner and according to such Rules and Regulations as they may see fit to establish.

Public Act.

III. That this Act shall be deemed and taken in all Courts of Justice and elsewhere in this State as a public Act; and the same may be given in evidence on the trial of any issue or cause, without being specially pleaded.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3087. AN ACT TO AFFORD AID IN CONSTRUCTING THE LAURENS RAIL ROAD.

State Stock.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he is hereby authorized to subscribe the

sum of Fifty Thousand Dollars, in the Laurens Rail Road Company, to be paid in the stock of the State in the South Carolina Rail Road Company equal at its par value to the said sum, and that he take in the name of the State, a certificate from the said Company for that amount of stock, which said stock shall be accepted by the said Laurens Rail Road Company for the said amount, without any recourse whatever against the State.

A. D. 1849.

II. The subscription shall be paid in the manner, and subject to the terms and conditions hereafter expressed.

III. Whenever satisfactory proof shall be produced by the Comptroller General, that the sum of seventeen thousand dollars shall have been paid by the stockholders, and expended in the construction of said Road, the Comptroller General shall transfer and deliver to said Company so much of the stock of the State in the South Carolina Rail Road Company, as shall amount to its par value to seventeen thousand dollars; and when similar proofs shall be produced to the Comptroller General that seventeen thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver seventeen thousand dollars more of said stock to said Company, and in the same manner the remaining subscription of sixteen thousand dollars shall be paid to the said Company when the Road shall be finished and in operation.

Transfer of Stock.

IV. The State shall in no way whatever be liable for the debts and contracts of the said Rail Road Company.

State not liable for debts.

V. The State shall have the same rights in the Company and in its management as is reserved to private stockholders, and the General Assembly shall at any time have a right to examine into the condition of the said Company, and the Company shall annually submit to the Legislature a report exhibiting its condition and prospects.

Rights of the State.

VI. In case any of the payments made by the State shall be in advance of the calls upon the private stockholders, the State shall have a lien upon the whole property of the Company to secure the same unto the State.

Lien upon property.

VII. An irrevocable condition is hereby imposed upon said Company, that it shall unite its Road with the Greenville and Columbia Rail Road at or above Newberry Court House.

Junction of Roads.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

No. 3088.

AN ACT TO AUTHORIZE AND REQUIRE THE TRANSFER OF ALL PAPERS APPERTAINING TO THE ADMINISTRATION OF ESTATES NOW DEPOSITED IN THE OFFICE OF THE SECRETARY OF STATE IN CHARLESTON, TO THE ORDINARY'S OFFICE FOR CHARLESTON DISTRICT.

Transfer of
papers.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all Wills, Inventories, Accounts and other Papers, and all Books of Record, appertaining to the Administration of Estates, now deposited in the office of the Secretary of State, in Charleston, be transferred to the Ordinary's Office for Charleston District, to be filed and preserved in said office.

Duties of Or-
dinary.

II. *And be it further enacted*, by the authority aforesaid, That the Ordinary of Charleston District do cause the said Wills, Inventories, Accounts and other papers relating to the Administration of Estates, upon the receipt thereof, to be recorded and arranged in suitable cases, as is now required by law, and that the expense incurred in recording and arranging the same, be paid by the Commissioners of Public Buildings for Charleston District.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3089. AN ACT TO AMEND THE LAW CONCERNING THE PUBLICATION OF SHERIFF'S SALES FOR PICKENS DISTRICT.

Act amended.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act, entitled "An Act concerning the office, duties and liabilities of Sheriff," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, as requires the Sheriff of Pickens District to publish his advertisements in the Pendleton Messenger, be, and the same is hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

AN ACT TO CONTINUE IN OFFICE THE LATE COMMISSIONERS OF THE
POOR FOR YORK DISTRICT.

No. 3090.

WHEREAS, at the last General Election holden for York District, there was a failure to elect Commissioners of the Poor for said District, and the Commissioners then in office have continued to act as such, without legal appointment or authority; in remedy whereof,

Preamble.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William C. Beatty, William McGill, Sen., William Hanna, J. S. Hemphill, and James Biggers, be, and are hereby appointed Commissioners of the Poor for York District, to continue in office until the next General Election for York District; and all acts which have been done by them, as Commissioners, since the expiration of their late term of office, be, and the same are hereby declared legal and valid.

Commission-
ers continued
in office.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO REQUIRE THE COMMISSIONERS OF PUBLIC BUILDINGS
OF THE SEVERAL DISTRICTS IN THIS STATE, TO FURNISH TO THE
SHERIFFS THE BOOKS REQUIRED TO BE KEPT BY THEM.

No. 3091.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Books required to be kept and preserved as Public Records by the Sheriffs of the several Districts in this State, by the sixth section of An Act passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, shall be furnished by the Commissioners of Public Buildings, for the several Districts where the said Books shall be hereafter required, and the expense of providing the same shall be defrayed by the Commissioners aforesaid.

Commission-
ers to furnish
books.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

No. 3092.

A BILL TO ALTER AND AMEND THE CONSTITUTION SO AS TO CHANGE THE NAME OF THE ELECTION DISTRICT OF SAXE-GOTHA TO THAT OF LEXINGTON, AND TO EXTEND ITS BOUNDARIES TO ITS PRESENT JUDICIAL LIMITS.

Constitution
amended.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the amendment of the Constitution, ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, be amended to read as follows: The Election District called by the name of Saxe-Gotha shall be changed to that of Lexington, and the boundaries thereof extended to the judicial limits of the same, as now fixed by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, we certify that the above Bill has been read the present Session, three times in the House of Representatives, and three times in the Senate, and was agreed to by two-thirds of both branches of the whole Representation on the second and third readings thereof.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3093. AN ACT TO INCORPORATE THE HAMBURG AND EDGEFIELD PLANK ROAD COMPANY.

Company in-
corporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles Hammond, H. A. Kenrick, Josiah Sibley, Ivory Bland and Simeon Christie, and their associates and successors, are hereby made and created a body politic and corporate in Law, by the name of the "Hamburg and Edgefield Plank Road Company," for the purpose of constructing a timber, plank or hard road from Hamburg to Edgefield Court House, with the privilege of constructing branches, not exceeding twelve miles each, from the main trunk; the particular manner of constructing said Road and Branches to be determined by the Directors to be chosen by said Company. And the said persons shall have power to raise by subscription, in shares of twenty dollars each, a capital of fifty thousand dollars. To be paid in such manner, at such times and in such amounts as shall be determined upon by a majority of the Commissioners; said terms to be reduced to writing and exhibited to the subscriber, before he subscribes for stock.

II. That the said Corporation may purchase and hold such real estate as may be required for the purposes of said Corporation, or such as they may be obliged, or deem it for their interest to take in the settlement of any debts that may become due to the said Corporation, and may dispose of the same: and may sue or be sued in all Courts of Law or Equity, and have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, they are not inconsistent with the Constitution and Laws of the United States and of this State.

A. D. 1849.

Real Estate.

Proviso.

III. That Charles Hammond, H. A. Kenrick, Josiah Sibley, Ivory Bland, Simeon Christie, may open books and take subscriptions for the capital stock at such places and in such manner, and at such times as they may deem expedient; and whenever such subscriptions shall amount to the sum of thirty thousand dollars, the stockholders having had two weeks notice, given by advertisement in the newspapers published in the Town of Hamburg and Village of Edgefield, may meet and proceed to elect such Directors and Officers, as they may deem necessary for conducting the affairs of the Company—to hold office until their successors shall be elected; and such Directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for in such manner and at such times as they may deem fit. Each stockholder shall have one vote for each share he may own or represent at the elections for Directors, and all meetings of the Company.

Books for Subscriptions to be opened.

Election of Officers.

Votes.

IV. The members of said Corporation shall be liable, jointly, for all debts and contracts made by such Corporation, until the whole amount of the capital stock authorized to be subscribed, as aforesaid, shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by a pledge of the stock in such Corporation or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid.


Liability for debt.

V. That the capital stock shall be deemed personal property, and be transferable upon the books of said Corporation; and no part of said capital stock shall at any time, or upon any pretence, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or be divided among the stockholders until all the liabilities of the Company are lawfully paid, and no dividends shall be declared except from the nett profits of the Company.

Capital stock.

VI. That if the proprietor of any share shall neglect to pay any instalment assessed thereon for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the Company, by an order of the Directors, may sell at public auction such share, or a sufficient number of such shares, on which the instalments have been so neglected to be paid, to pay the instalment or instalments then due from him, with all necessary

Neglect to pay instalments.

A. D. 1849.  incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper printed at Hamburg or Edgefield Court House; and a bill of sale of the share so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Time to construct road. VII. That the said Company shall have five years to construct and complete said Road; and as three consecutive miles of said Plank Road are completed, it shall be lawful for the Board of Directors of said Company to erect turnpike or toll-gates thereon, and to appoint toll-gatherers to charge and collect toll; and the said Company shall have the privilege of erecting toll-gates at such points of the Road as they may deem best, and are authorized to charge and collect such rates of toll as they may deem expedient: *Provided*, the rates of toll established shall be put up to public view at each toll-gate erected: *And provided*, that the dividends of the said Company shall never exceed fourteen per cent. on the amount of their capital stock.

Toll.

Proviso.

Exemptions from toll. VIII. Exemption from the payment of toll shall be granted to every regularly ordained or licensed Minister of the Gospel, while in the discharge of his duties as such; to every member of the Legislature going to or from its sittings; and all other persons going to or from divine service; and to every person travelling in the performance of any civil or military duty, for which he receives no salary or reward; and any person falsely representing him or herself to any toll-gatherer as being entitled to any of the exemptions herein mentioned, shall pay to said Company the sum of twenty dollars, to be recovered by the Company before any neighboring Magistrate.

Misrepresentations to toll gatherer punishable.

Payment of Toll. IX. The toll-gatherers at each and every gate, when erected on said Roads, in pursuance of this Act, may prevent from passing such gate or detain any carriage, wagon, vehicle or animal subject to toll, until the toll thereon be paid.

Penalties for fraud in reference to toll. X. Any person who shall forcibly or fraudulently pass any toll-gate erected on said Road, under the provisions of this Act, without having paid the legal toll, or to avoid the payment of the same, or shall, with his team, carriage or animal, turn out of said Road, or pass any gate thereon on ground adjacent thereto, and again enter on said Road, shall for each offence forfeit a sum not exceeding twenty dollars to and for the use of said Company, to be recovered before any neighboring Magistrate; and any person who shall wilfully break or throw down any gate on said Road, or shall wilfully and maliciously destroy or injure any portion of said Roads, shall be liable to be indicted as for a misdemeanor in the Court of Sessions, and upon conviction therefor, shall be fined and imprisoned at the discretion of the Presiding Judge, not exceeding one hundred dollars and three months imprisonment.

XI. Any road which shall be constructed by the said Company, by virtue of the provisions of this Act, shall be so constructed as to make, secure and maintain a smooth and permanent road, the track of which shall be made of timber, plank or other hard material, so that the same shall form a hard and even surface, and be so constructed as to permit all carriages and vehicles to pass on and off, where such road is intersected by other roads.

A. D. 1849.

Construction of Road.

XII. That the Directors shall submit to the stockholders annually, a written statement under their signatures, signed by the Treasurer of the Company, setting forth the amount of capital stock paid in, and general assets of the Company, and also of the amount of all the existing debts; which statement shall be published in some newspaper in the town of Hamburg and the village of Edgefield.

Assets of the Company.

XIII. The total amount of the debts which the said Corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in, and in case of excess, the Directors, under whose superintendence and administration it shall happen, shall be jointly and severally liable as individuals. Such of said Directors as may have been absent when the said excess was incurred or created, may respectively exonerate himself or themselves from being so liable, by forthwith giving notice of the fact to the stockholders at a general meeting, which they shall have the power to call for that purpose.

Excess of debt.

Liability of Directors.

XIV. And the said Company shall have power from time to time to increase their capital stock to any amount not exceeding one hundred thousand dollars, including their present capital, whenever a majority of the Stockholders present at a general meeting, or the Board of Directors by their authority shall so determine: *Provided*, that the said stock shall not be increased at any one time, in sums of less than ten thousand dollars. And such additional stock shall be divided rateably among the stockholders in proportion to their shares in the capital stock of the Company at the time of such increase; but in case any stockholder should not desire to take his or their proportion of such increased stock, the same shall be allotted among the remaining Stockholders, or books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the Company may deem expedient, and in no case shall the members who are unwilling to take their proportion in such increase of stock be assessed to contribute or to make up such increase. Such additional stock shall be paid up in the same manner, and be subject to the same provisions, restrictions and conditions as are directed by the provisions of this Act, and any such additional subscribers shall thereby become members of the said Company—subject in like manner in proportion to their interest to all the burthens, liabilities, responsibilities and conditions imposed upon the members of said Company.

Power to increase capital stock.

Proviso.

Division of increased stock.

Provision for payment.

Liabilities, &c., of subscribers to new stock.

A. D. 1849.

Right of way.

Valuation of
land by Com-
missioners.Record of
proceedings of
Com'rs.Appeal from
decisions of
Com'rs.Company to
hold lands in
fee simple.Progress of
the work in
case of dispute.Possession of
land in absence
of contract.

XV. That where any lands or right of way may be required by the said Company, for the purpose of constructing their said roads, and for want of agreement as to the value thereof, or from any other causes, the same can not be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any Court of record, having common law jurisdiction in the District, where the land or right of way is situated; and the said Commissioners, before they act, shall severally take an oath before some Magistrate faithfully and impartially to discharge the duty assigned to them. In making the said valuation, the Commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the construction of the said roads, and shall state, particularly, the nature and amount of each; and the excess, or loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of said Commissioners, accompanied with a full description of the said lands or right of way, shall be returned under the hands and seals of a majority of the Commissioners to the Court from which the commission issued, there to remain of record. In case either party to the proceeding shall appeal from said valuation to the next Session of the Court granting the commission, and give reasonable notice to the opposite party of such appeal, the Court, upon satisfactory proof, that the appellant has been injured by the said valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same Term, or so soon as practicable, and their decision shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands, or right of way, so valued by the Commissioners or jury, shall vest in said Company in fee-simple, as soon as the valuation may be paid, or, when refused, tendered. Where there shall be an appeal as aforesaid from the valuation of Commissioners, by either of the parties, the same shall not prevent the Road and works intended to be constructed from proceeding; but where the appeal is made by the Company requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation therefor to be made by the jury and confirmed by the Court.

XVI. In the absence of any contract or contracts with the said Company, in relation to lands through which the said Road or its branches may pass, signed by the owner thereof, or his agent, or any claimant, or any

person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said Road or any of its branches may be constructed, together with the space of fifty feet on each side of the centre of said Road and branches, has been granted to the Company by the owner or owners thereof, and the said Company shall have good right and title thereto, and shall have and hold and enjoy the same so long as the same may be used only for the purposes of said Road, and no longer, unless the person or persons owning the said lands at the time that part of the said Road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said land, as heretofore directed, within five years next after that part of the said Road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within the five years next after the said part was finished, he, she or they shall be forever barred from recovering the said lands, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of lunatics, feme coverts or infants, until two years after the removal of their respective disabilities.

A. D. 1849.

Provision for application for assessment of land.

Proviso.

XVII. That the Charter hereby granted to the Hamburg and Edgefield Plank Road Company shall be and continue of force for and during the period of thirty years from the day of the passage of this Act.

Limit of charter.

XVIII. That the said Company shall not be subject to any of the provisions or enactments contained in an Act, entitled "An Act establishing the principles on which Companies shall be incorporated, and the charter of ferries, bridges and turnpike roads shall be hereafter granted, and for other purposes therein expressed," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven.

Company not subject to provisions of enactment.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE TOWN OF DARLINGTON.

No. 3094.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That

Town incorporated.

- A. D. 1849. all persons, citizens of the United States, who may be inhabitants of the Town of Darlington, or owners of freehold therein, shall be deemed, and are hereby declared a body politic and corporate, and that said Town shall be called and known by the name of Darlington, with the following
- Limits.** limits, viz: on the North, North-East, and East sides, bounded by Swift Creek; on the West, by a branch running from or near the Steam Mill, about one mile from the Court House, and emptying into Swift Creek; and on the South, South-East, and South-West sides, by a line beginning at the source of the said branch near the Steam Mill, and running in such course as to preserve, as nearly as may be, the distance of one mile from the Court House, until it strikes Swift Creek, at a point one mile from the said Court House, on the east side thereof.
- Officers.** II. That the said town shall be governed by an Intendant and four Wardens, who shall be appointed, in the first instance, by the Delegation of Darlington District, and shall continue in office until the first Monday
- Election of Officers.** in April next; on which day, as well as on the first Monday in April of every year thereafter, an election shall be held for an Intendant and four Wardens, (who shall always be citizens of the United States, and shall have been residents of the said town for twelve months immediately preceding said election,) at such place in said town as the Intendant and Wardens shall designate, ten days public notice thereof, in writing, being
- Voting.** previously given; and that all free white male inhabitants of the said town, of the age of twenty-one years, who have resided therein six months previous to the election, and who are qualified to vote for Members of the Legislature, and all non-resident owners of real estate within the corporate limits of said town, shall be entitled to vote for said Intendant and Wardens; and the election shall be held from nine o'clock in the morning until three o'clock in the afternoon, when the poll shall be closed, and the managers shall count the votes and proclaim the election, and
- Managers of Elections.** give notice thereof to the persons elected; and that the Intendant and Wardens, for the time being, shall always appoint the managers to hold the ensuing election; that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Darlington, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."
- Oath.**
- Vacancies—how filled.** III. That in case a vacancy shall occur in the office of Intendant, or of any of the Wardens, by death, resignation, removal from the State, or from any other cause, an election shall be held, by the appointment of the

Intendant and Warden, or Wardens, as the case may be, ten days notice thereof, as aforesaid, being given; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council, shall be empowered to elect one of themselves to act as Intendant during such sickness or absence.

A. D. 1849.

IV. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of Magistrates, ex officio, (except for the trial of civil matters,) within the limits of said town; that the Intendant shall, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Darlington; and they and their successors in office shall have a common seal; and shall have power and authority to appoint, from time to time, such and so many proper persons to act as Marshals or Constables, as they shall deem expedient and proper; which officers shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations provided and enacted by the laws of this State for the office of Constable; and the Intendant and Wardens in Council shall have power and authority, under their corporate seal, to ordain and establish all such rules, and by-laws, and ordinances, respecting the streets, ways, public wells, and springs, or fountains of water, markets and police of the said town, and for preserving health, peace, order and good government within the same, as they may deem expedient and proper; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the Corporation; but no fine shall exceed fifty dollars; and when fines shall exceed twenty dollars, they may be recovered in the Court of Sessions for Darlington District, and when they are of the amount of twenty dollars, they may be recovered before the Intendant and Wardens: *Provided*, nothing herein contained shall empower or authorize the said Council to ordain or establish any by-laws or ordinances inconsistent with, or repugnant to, the laws of the State; and all by-laws and ordinances of said Council shall, at all times, be subject to the revisal or repeal of the Legislature.

Powers.

Proviso.

V. That the said Council shall have power to abate and remove nuisances within the said limits of said town, and also to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof under the same penalties as are now or hereafter may be established by law: *Provided always, nevertheless*, that the said Town Council shall have power to compound with persons liable to perform patrol duty, upon such terms as they shall by ordinance establish.

Nuisances.

Patrol.

Proviso.

- A. D. 1849. VI. That it shall be the duty of the Intendant and Wardens to keep all streets and ways which may be necessary for public use within the limits of the said town open and in good repair, and for that purpose they are hereby invested with all the powers, rights and privileges granted by law to the Commissioners of Roads within the limits of said town, and for like neglect of duty they shall be liable to the pains and penalties imposed by law upon Commissioners of Roads for like neglect; and they are hereby individually exempt from the performance of road and patrol duty, and the inhabitants of said town are hereby excused from road and patrol duty without the limits of said town.
- Repair of Streets, &c. Penalties for neglect. Exemption from Road and Patrol duty. Power to compound. VII. That the said Intendant and Wardens shall have power to compound with persons liable to work on the said streets and ways, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said Corporation.
- Property. VIII. That the said Town Council of Darlington shall also be empowered to retain, possess and enjoy all such property as they may now be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien or in anywise transfer the same or any part thereof: *Provided*, the amount of property so held, or stock invested, shall in no case exceed twenty thousand dollars.
- Proviso. IX. That the said Town Council of Darlington shall also have power to impose an annual tax on all real estate within the corporate limits of said town, and on all wagons, carts, drays, four wheel carriages and barouches, owned and used within the said limits: *Provided*, that no tax on real estate shall in any one year exceed the rate of ten cents on each hundred dollars of the value thereof; and no tax upon any cart, dray, or other vehicle with two wheels, fifty cents, or any wagon, carriage, barouche or other vehicle with four wheels, one dollar. And the said Council shall have power, by ordinance, to regulate all licenses of shows and exhibitions, and all other licenses within the limits of said town.
- Tax. Exhibitions. Auction sales. X. That the Intendant and Wardens of the town of Darlington shall have power to regulate sales at auction within the limits of said town, to grant licenses to auctioneers, and to lay such taxes on sales at auction as they may deem expedient: *Provided*, that nothing herein contained shall extend to sales by or for Sheriff, Commissioner in Equity, Ordinary, Coroner, Executors and Administrators, Assignees, or by any other person, under the order of any Court or Magistrate.
- Proviso. License to retail. XI. That said Intendant and Wardens shall be vested with all the powers of Commissioners of Roads, in granting licenses to tavern keepers and retailers of spirituous liquors.

XII. That this Act shall be taken and deemed as a public Act in all Courts of Justice, and shall continue of force until repealed.

A. D. 1849.

Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN AND TO A No. 3095.
TRACT OF LAND IN THE DISTRICT OF CHESTER, IN DAVID LYLE AND
HIS HEIRS.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to all lands situate in the District of Chester, of which the late Thomas Lyle died seized and possessed, be, and the same are hereby vested in David Lyle and his heirs forever. Title vested.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

AN ACT TO VEST IN MARY O'NEALE THE RIGHT AND TITLE OF THE No. 3096.
STATE IN AND TO THE ESTATE OF JOHN W. O'NEALE.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in and to the personal estate of John W. O'Neale, late of Newberry District, deceased, be, and the same is hereby vested in Mary O'Neale, and her heirs, forever. Title vested.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

No. 3097. AN ACT TO VEST IN SUSANNAH CONNELLY ALL THE RIGHT, TITLE AND INTEREST OF THE STATE IN AND TO CERTAIN ESCHEATED PROPERTY.

Title vested. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to a certain tract of land situate in Barnwell District, containing seventy-three acres, more or less, granted to Harley Connelly, otherwise called Haley Connelly, on the eighth day of August, in the year of our Lord one thousand eight hundred and thirty-one, surveyed the eighteenth day of November, Anno Domini eighteen hundred and thirty, by B. J. Allen, Deputy Surveyor, be, and the same is hereby vested in Susannah Connelly and her heirs forever.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 3098. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO PREVENT THE OBSTRUCTION TO THE PASSAGE OF FISH UP LYNCHÉ'S CREEK."

Act amended. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act, entitled "An Act to prevent the obstruction of the passage of fish up Lynche's Creek," passed in the year of our Lord one thousand eight hundred and forty-one, be so amended as to increase the penalty from twenty dollars to one hundred dollars, or imprisonment not more than two months, at the discretion of the Court, one-half of the pecuniary penalty to go to the informer.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 3099.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new Road be laid out from Anderson Court House, via Pendleton village, to Pickens Court House; and that James W. Harrison, Elias Earle, Joseph D. Scott, George Seaborn and Elam Sharp, Jr., be appointed Commissioners to superintend and lay out the same from Anderson C. H. to Pendleton; and that Miles M. Norton, William Sloan, E. M. Keith, John B. Sitton and F. N. Garvin be appointed Commissioners to superintend and lay out the same from Pendleton to Pickens C. H.; that the Road from Anderson C. H. to Townville, via Shallowford, be changed from a point at or near A. D. Hembree's house to its junction with the Sloan Ferry Road, west of Seneca River; and that Samuel Brown, David Simmons, A. D. Hembree, James Gilmer and L. A. Osborn be appointed Commissioners to superintend and lay out the same; that the Road from Anderson C. H. to Craytonville be changed from the Court House to Robert Smith's house, east of Broadaway Creek; and that George R. Brown, James F. Wyatt, J. P. Reed, Stephen McCully and William Nevitt be appointed Commissioners to superintend and lay out the same; also, that the Road from Anderson C. H. to Andersonville, be changed at various places where it may be deemed necessary; and that James Gilmer, Clayton Webb, John B. Wynne and William Mills be appointed Commissioners to superintend the same; and that the said Roads be and the same are hereby declared to be Public Roads; and the Standing Commissioners of the respective Regiments in which said Roads are located, are hereby required, after they shall have been severally laid out as herein provided for, to open and keep the same in repair, according to law.

II. That a new Road be opened in Abbeville District, from James Fair's Bridge, on Little River, intersecting the main road at or near the Temple of Health Post Office, and the same be and is hereby established as a public Road.

III. That Richard Woods be and is hereby appointed an additional member of the Western Board of Commissioners of Roads, Bridges and Ferries of Chester District, to superintend the Flat Rock Road, the Road from Col. H. Chalk's to Wood's Ferry, and the Road about to be opened from Littleton Lands to Col. Randall's.

IV. That the Intendant and Wardens of the Town Council of Hamburg be, and they are hereby substituted in lieu of Oliver Simpson, Marshal R. Smith, J. M. Miller, D. Atkinson and Dr. M. Galphin, to lay out and open a Road in Edgefield District, from the Town of Hamburg, in the most

A. D. 1849.



Proviso.

direct and suitable route to or near Dawner's Red House, which Road was authorized to be laid out and opened by the tenth Section of an Act entitled "An Act to establish certain Roads, Bridges and Ferries," passed the 17th day of December, 1841: *Provided*, that after the said Road shall be opened, the same shall be placed under the control of the Commissioners of Roads, Bridges and Ferries of Edgefield District.

V. That a new Road be laid out, and opened in Edgefield District, commencing at or near Samuel Stevens', on the Martintown road, running near Mountain Creek Church and Thomas Lewis' plantation, and intersecting the Long Cane road at or near Gibson Collins': and the same be and is hereby established as a public road, and that Samuel Stevens, David Devore and Thomas Lewis, be appointed Commissioners to lay out and open the same.

VI. That a new Road be laid out and opened in Edgefield District, commencing at or near the old Steam Saw Mill site, on the Martintown road, and intersecting the Long Cane road at or near Maj. John Tompkins' Mill, and the same be and is hereby established as a public road, and that John Outz, Anthony Outz, and James Timmerman be appointed Commissioners to lay out and superintend the same.

Wallace's
Bridge rechar-
tered.

VII. That Wallace's Bridge and Causeway be and the same are hereby rechartered, and vested in the Commissioners of Roads, Bridges and Ferries of St. Paul's parish, and their successors, for the term of twenty years.

Road in St.
John's Berk-
ley.

Proviso.

VIII. That a new Road be laid out and opened, running from the old river road near Savannah Creek Bridge in St. Stephen's parish, in a southwestern direction, to the public road near Biggin Church in St. John's Berkley; and the same be and hereby declared to be a public road: *Provided*, that the said Road shall be opened and worked for the period of four years, and no longer, and after that time the same shall be kept open and repaired by those only who are interested in the use of the said Road; and that John Palmer, C. G. McCay and Levi Crawford, be appointed Commissioners to lay out and open the same.

Toll-gate es-
tablished on
Black River.

Proviso.

IX. That H. J. Morris be, and he is hereby authorized to erect a gate at the Ferry House across the public road leading to his Ferries on Black River, provided the said gate be the width of the road, and be kept open from day-light in the morning till 10 o'clock at night, and be opened at any time of night to let travellers pass.

Toll at Jas.
Gregorie's Fer-
ry over Wando
River.

X. That James Gregorie be, and he is hereby authorized to collect the following rates of Toll at his Ferry over Wando River, from Cain Hay to Halover Point, viz: For foot passengers, each twelve and a half cents; for man and horse, twenty-five cents; for led horse, twelve and a half cents; for sulkey and horse, or horse and cart, thirty-seven and a half cents; for

buggy and horse, fifty cents; for carriage and two horses, buggy and two horses, or wagon and two horses, seventy-five cents; for a carriage or wagon with four horses, one dollar; and that the rates of toll heretofore established, be and is hereby abolished. A. D. 1849.

XI. That the Ferry across Big Pee Dee River, known as Britton's Ferry, be, and the same is hereby re-chartered and vested in Mary Eady, her heirs and assigns, for the term of seven years, with the following rates of toll, viz: for every foot passenger, six and a fourth cents; for a man and horse, twelve and a half cents; for a led horse, six cents; for each head of cattle, six cents; for each head of hogs, sheep and goats, three cents; for a carriage with two wheels, twenty-five cents; for a buggy, thirty-seven and a half cents; for a barouche, fifty cents; for a two horse wagon, seventy-five cents; for four or six horse wagon, one dollar, inclusive of the drivers, horses and passengers, with the vehicles in this Section mentioned. Ferry on Big Pee Dee River re-chartered.

XII. That Frederick A. Ford is hereby authorized and empowered to close the navigation of a small creek emptying into Ashley River, immediately out of Bechelbronn farm, Charleston Neck. Creek emptying into Ashley River closed.

XIII. That Samuel W. Palmer, Samuel T. Gourdin and W. Snowden, M. D., be, and are hereby authorized and empowered to close the public road from the head of the Wing Road, beginning at Col. W. Dubose's bar gate, and as far below as where the Pineville Road enters the same by Mr. W. D. Bonneau's, and to make the Pineville Road the public road, beginning at the first named point, to the point below specified, passing through Pineville at some convenient point: *Provided*, they shall put the said road in such order as shall be approved by William Dubose, Thomas L. Gourdin and Thomas S. Marion: *And provided also*, that in passing through Pineville, the said road shall be located as not to run through or across any lot or lots, settled or unsettled, of Pineville village. Pineville Road established.

XIV. That the Board of Commissioners of Roads, Bridges and Ferries of Claremont County, be, and are hereby authorized to lay out and open a new road leading from the depot of the Camden Branch of the South Carolina Rail Road, called Claremont, to the main public River Road, leading from Camden to Santee, and that the same be and is hereby declared a public road. Provisos.

XV. That a new road be laid out and opened in Orangeburg District, leading from the Cannon's Bridge Road, crossing the North Edisto River at Row's Bridge, and intersecting the Charleston Road, known as the River Road, at the most suitable point; and the same is hereby declared to be a public road. Road from Camden to Santee.

XVI. That a public road be, and is hereby established, leading from Vance's Ferry Post Office, across the Four Hole Swamp, to the point Road in Orangeburg District.

A. D. 1849.

where the Walterborough Road intersects the Old Orangeburg Road, and that James R. Moorer, John S. Murray and Jesse Voght be appointed Commissioners to lay out and open the same.

Road in St. Stephen's Parish.

XVII. That a new road be laid out and opened in St. Stephen's Parish, beginning at the River Road, on Wm. Ville Pontoux's land, and near his bank and fence; thence through the lands of said Ville Pontoux and Charles Barnes, and on or near the lines dividing their lands, and to the river, where there shall be a public landing; and that the same are hereby established as a public road and public landing: *Provided, however*, that the inhabitants of said Parish shall be exempt from working on said road and landing after the expiration of two years; and that S. J. Palmer, W. D. Ville Pontoux and C. C. Dubose be appointed Commissioners to lay out and superintend the opening of the same.

Proviso.

Road to intersect the Pickensville & Pendleton Road.

XVIII. That a new road be, and the same is hereby established, leading from some convenient place on the Pickensville and Pendleton Road, by Symmes' Mills, to intersect the Pendleton and Pickens Road, at or near Sloan's Tanyard; and that F. W. Symmes, W. G. Mullinax, John Garner, Reuben Gains and John T. Sloan be appointed Commissioners to lay and open the same.

Road in Abbeville District.

XIX. That a new road be laid out and opened in Abbeville District, from John Wideman's, Esq., to Kennedy's Mills; thence to Bradley's Mill; thence, along the line separating the lands of Dr. Geo. W. Pressly and Tyra Jay, to the Charleston road; and the same be and is hereby declared a public road.

Jacksonborough Neck road continued.

XX. That the Jacksonborough Neck Road continued, in St. Bartholomew's Parish, terminating on the South Edisto, be continued by a branch of the said road, to and through Bennett's Point, so as to connect Bennett's Point with said road and the main land.

Bridge over Enoree River re-chartered.

XXI. That the Bridge over Enoree River, at "Kennedy's Ford," be, and the same is hereby re-chartered for the term of seven years, and vested in Jeremiah E. Lee, his heirs and assigns, with the same rates of toll as heretofore established by law.

Blythe's Gap Turnpike road re-chartered.

XXII. That the Blythe's Gap Turnpike Road be, and the same is hereby re-chartered for the term of fourteen years, and vested in Benjamin Hagood, his heirs and assigns, with the same rates of toll as heretofore established by law.

So. Ca. Rail Road Co. to project Passenger House.

XXIII. That the South Carolina Rail Road Company be, and are hereby authorized to project the Passenger House, (which is now being erected,) into John Street, on Charleston Neck: *Provided*, the same be done according to the plan of the said Passenger House, now being erected.

Milton Ferry re-chartered.

XXIV. That Milton Ferry, in Christ Church Parish, is hereby re-char-

tered for the term of seven years, and the same is vested in William Matthews Hunt, Benjamin F. Hunt, Jr., and George B. Hunt, their heirs and assigns, and such persons as they may associate with them, with the same rates of ferriage and the same rights, privileges and franchises, as are now by law granted to Mount Pleasant Ferry. A. D. 1849.

XXV. That the Commissioners of Roads, Bridges and Ferries of Pickens District, Fifth Regiment of the South Carolina Militia, be and are hereby authorized to appoint a Treasurer to each of the Boards of Commissioners of Roads; and that instead of five per cent, two and a half per cent be allowed such Treasurer for receiving and disbursing the monies collected by said Boards. Commissioners of Roads of Pickens Dist.

XXVI. That so much of the 22d Section of an Act, entitled "An Act to establish certain Roads, Bridges and Ferries," ratified on the nineteenth day of December, Anno Domini one thousand eight hundred and forty eight, as does not allow Henry Shultz and John McKinnie to collect toll at the South Carolina end of the Bridge, across the Savannah River, at Augusta, be, and the same is hereby repealed; and that Henry Shultz and John McKinnie be, and they are hereby authorized to collect the rates of toll now established by law, at the South Carolina end of the said Bridge, from all persons going from the South Carolina end, but not from persons coming from the Georgia end of the Bridge; but the collecting of said toll shall not subject the Rail Road Company or the community to the payment of double toll. Section of Act repealed disallowing Henry Shultz and J. McKinnie to collect toll.

XXVII. That William Nelson, John Davidson and James McCluny, be, and are hereby appointed Commissioners to lay out and open a public road from Hamilton's Ford on Broad River, in York District, to the public road leading from Pinckneyville to Yorkville, at some convenient point near Dr. John McGowan's, on said road, thence with said road (if necessary) and the Hillis Old Road, by Bullock's Creek Church, to Quinne's Road, to intersect the same at some convenient point near Hugh Galloway's; and that the same is hereby declared a public road. Road in York District.

XXVIII. That the Ferry over the Catawba River, in Lancaster District, known as Brown's Ferry—formerly known as McDonald's Ferry—be, and the same is hereby re-chartered for the term of seven years, and vested in John Brown, his heirs and assigns, with the same rates of toll as heretofore allowed by law. Brown's Ferry in Lancaster Dist. re-chartered.

XXIX. That the Ferry over Catawba River, in Lancaster District, known as Gooche's and Ingram's Ferry—formerly known as Lanier's and Green's Ferry—be, and the same is hereby re-chartered for the term of seven years, and vested in H. H. Gooche and Tillman Ingram, their heirs and assigns, with the same rates of toll as heretofore allowed by law. Gooche's and Ingram's Ferry in Lancaster District re-chartered.

A. D. 1849.

Com'rs. for
Dist's. of Wil-
liamsburg and
Georget'n ap-
pointed.

XXX. That Robert H. Wilson, Thomas N. Britton and E. H. Miller be appointed for the District of Williamsburg, and that Blackwell Haselden, Samuel McGinney and Henry F. Heriot be appointed for the District of Georgetown, Commissioners of Blackmingo Bridge, with all the powers, privileges and liabilities of such Commissioners as now by law is provided.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

No. 4000. AN ACT TO INCORPORATE THE MARINE CHURCH OF CHARLESTON, AND
FOR OTHER PURPOSES.

Preamble. WHEREAS, John Hoff, late a citizen of South Carolina, and of the State of Pennsylvania, lately residing in the city of Philadelphia, deceased, lately departed this life, leaving his last will and testament duly executed and unrevoked at the time of his death, wherein and whereby he, among other things, devised and bequeathed as follows, that is to say :

Bequest. "Fifth—In the event that the Marine Church of Charleston, South Carolina, obtains a charter of incorporation, within one year after the legacy hereby given shall be ready, the said charter to contain, among other provisions requisite, the following, to wit : That the property and funds of said Marine Church shall be invested in Trustees, to be chosen at the times and places which may be provided for in said charter by twelve or more of the incorporated Protestant Churches of Charleston, (as by their subscriptions were the original and efficient cause in establishing the Marine Church of Charleston.) The said Trustees to consist of one communicant member from each Church in good standing. And in case of a vacancy by death, resignation or otherwise, then the Church, whose member he was, to fill the vacancy, by electing a communicant within six months after notice, otherwise the Trustees of the Marine Church shall elect a Trustee from the communicant members of the Church in which the vacancy occurred. Then, in such case, I give and bequeath to the said Church, in perpetuity, the sum of ten thousand dollars, out of my stocks or real estate I may possess at my death, when sold. Then the said amount to be invested by the Trustees of the Marine Church, in United States or of the State Government stocks, who have not by delay and

repudiation dishonored their contracts. And as oft as any of the stocks shall be paid off, to re-invest the same in like manner, and the income or interest appropriated to the support of an Evangelical Gospel Ministry, who hold the Trinity in Unity, to be chosen, as may be provided in the Charter of Incorporation. The Minister to be regularly employed to preach to Seamen, free of any charge or expense to them. But it is understood, by this investment, that Free Churches do not object to legacies or donations." A. D. 1849.

AND WHEREAS, "The Charleston Port Society for Promoting the Gospel among Seamen," who now own the Marine Church in the City of Charleston, commonly called the Mariner's Church, have, by their memorial or petition, declared their willingness to surrender their property in the said Church, to a new Corporation, in order to carry out the benevolent and pious purposes set forth in the will of the said John Hoff, deceased, as hereinbefore recited : Preamble continued.

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and singular the persons now being, or hereafter to be, the officers and members of "The Charleston Port Society for Promoting the Gospel among Seamen," together with the Trustees of the Marine Church, hereinafter mentioned, and their successors, be, and the same are hereby made, constituted and incorporated a body politic and corporate, by the name and style of "The Marine Church of Charleston," with all the usual rights, powers and privileges of bodies politic and corporate in this State, and with full power and authority to receive from the executors or legal representatives of the said John Hoff, deceased, the legacy of ten thousand dollars, so devised and bequeathed, as aforesaid, by the will aforesaid of the said John Hoff, deceased. That the said legacy of ten thousand dollars, under the will aforesaid, and the Marine Church of Charleston, hitherto known as the Mariner's Church, and all the property and funds, real and personal, of the said Church, be, and the same are hereby invested in the said Trustees of the Marine Church, hereinafter mentioned, in perpetuity. Church incorporated.
Style and title.
Power to receive legacy.
Legacy invested in Trustees.

II. That the said Trustees shall be called "The Trustees of the Marine Church of Charleston," and they shall be chosen at Charleston, on the fourth Monday of January next, or as soon thereafter as may be deemed expedient or convenient, by twelve, or more, of the following incorporated Protestant Churches of Charleston, holding the doctrine of the Trinity in Unity, namely : St. Michael's Church ; St. Philip's Church ; St. Peter's Church ; St. Paul's Church ; Grace Church ; the First, Second and Third Presbyterian Churches ; The Glebe Street Presbyterian Church ; The Independent or Congregational Church in Charleston, commonly called Manner of choosing Trustees.

A. D. 1849. the Circular Church; The French Protestant Church, commonly called the Huguenot Church; The First and Second Baptist Churches; The Cumberland Street Methodist Church; The Methodist Protestant Church, and the German or English Lutheran Church, in Archdale Street, by whatever names the said Churches may have been incorporated, the said Churches having been, by their subscriptions, or the subscriptions of their members, the original or efficient cause in establishing the Marine Church aforesaid, commonly called The Mariner's Church; and any other Incorporated Protestant Churches of Charleston, of like character and like agency in establishing the said Marine Church, commonly called the Mariner's Church, which may have been omitted in the foregoing enumeration.

Trustees—of
whom to con-
sist.

III. That the said Trustess of the Marine Church shall "consist of one communicant member from each of the said Churches."

Vacancies—
how filled.

IV. That, in case of any vacancy or vacancies, by death, resignation, or otherwise, in any of the said Trusteeships, then the Church or Churches, in which such vacancy or vacancies shall occur, shall fill the same within six months after notice thereof, by electing a Trustee or Trustees from among the communicant members of the Church or Churches in which the vacancy or vacancies shall have occurred.

Powers of
Trustees.

V. That it shall be the duty of the said Trustees of the Marine Church to receive, hold, invest, re-invest and dispose of the said legacy of ten thousand dollars, under the will aforesaid, and appropriate the income or interest thereof to and for the uses and purposes set forth, expressed and directed in the said will, as fully as if the same were here repeated.

Election of
Ministers.

VI. That the Minister of the said Marine Church shall be, as he now is, annually elected by the members of the Corporation, or body politic and corporate, hereby and hereinbefore created and constituted, according to such rules and by-laws as they shall establish; and the said Minister shall be a person holding the doctrine of the Trinity in Unity, and shall be regularly employed to preach the Gospel to Seamen, free of any charge or expense to them.

Charleston
Port Society to
hold property.

VII. That "The Charleston Port Society for Promoting the Gospel among Seamen" be, and they are hereby authorized to have, receive, possess and hold property, real and personal, to any amount not exceeding thirty thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

A. D. 1849.

AN ACT TO INCORPORATE THE GRANITEVILLE PLANK ROAD COMPANY.

No. 4001.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Gregg, F. W. Pickens, James Carroll, and Ker Boyce, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of the "Graniteville Plank Road Company," for the purpose of constructing timber, plank, or hard roads, from Graniteville to some point on the Savannah River, and from Graniteville to Abbeville, or so far in the said directions as the said Company may determine on; to be constructed of timber, plank, or other hard substance, from Graniteville, in the direction aforesaid; the particular manner of constructing said Road to be determined by the Directors to be chosen by said Company. And the said persons shall have power to raise by subscription, in shares of one hundred dollars each, a capital of fifty thousand dollars, to be paid in such sums, in such manner, and at such times, as the Commissioners named in this Act, or the Company, shall determine. Road incor-
porated.

II. That the said Corporation may purchase and hold such real estate as may be required for the purposes of said Corporation, or such as they may be obliged, or deem it for their interest to take, in the settlement of any debts due the said Corporation, and may dispose of the same; and may sue and be sued in all the Courts of Law and Equity; may use and have a common seal; and make such by-laws for their regulation and government as they may see proper: *Provided*, they are not inconsistent with the Constitution and Laws of the United States, and of this State. Capital—how
raised.

III. That William Gregg, F. W. Pickens, James P. Carroll, and Ker Boyce, may open books, and take subscriptions for the capital stock of the Company, at such places and times, and in such manner as they may deem expedient; and whenever such subscriptions shall amount to twenty-five thousand dollars, the stockholders having had two weeks notice, in writing, or in a public newspaper in the vicinity of Graniteville, may meet and proceed to elect such Directors and officers as they deem necessary in the affairs of said Company, they to hold office until their successors shall have been elected; and such Directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for, in such manner and at such times as they may deem fit: *Provided*, that the said Corporation shall not go into operation until twenty-five thousand dollars of capital stock shall be paid in gold or silver, or the current bank notes of this State, and an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Directors, which shall be recorded in the Secretary of State's office. And each Powers to hold
real estate, &c.

Proviso.

Power to open
subscription
books.Election of
Officers.

Proviso.

Votes.

A. D. 1849. stockholder shall have one vote for each share he may own or represent, at the election of Directors, and in all meetings and proceedings of the stockholders.

Liabilities for debt, &c. IV. The members of the said Corporation shall be liable jointly for all debts and contracts made by such Corporation, until the whole amount of the capital stock authorized to be subscribed as aforesaid, shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by a pledge of the stock in such Corporation, or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid in.

Capital stock transferable. V. That the capital stock shall be deemed personal property, and to be transferable upon the books of the said Corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or divided amongst the stockholders until all the liabilities of the Company shall be lawfully paid, and no dividends shall be declared except from the nett earnings of the Company.

Neglect to pay instalments. VI. That if the proprietor of any share shall neglect to pay any instalment assessed thereon for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the Company, by the order of the Directors, may sell by public auction a sufficient number of such shares on which the instalments have been so neglected to be paid, to pay all the instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper which may be printed near the commencement of the Road, and a bill of sale of the share so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Time to construct road. VII. That the said Company shall have five years to construct and complete said Roads, and as soon as three consecutive miles of said Plank Roads shall have been completed, it shall be lawful for the Board of Directors of said Company to erect turnpike or toll-gates, and to appoint toll gatherers to charge and collect toll; and the said Company shall have the privilege of erecting toll-gates at such points of the Roads as they may deem best, and are authorized to charge and collect such rates of toll as they may deem expedient, and the rates of toll established shall be put up to public view at each toll-gate erected: *And provided*, that the dividends of the said Company shall never exceed fourteen per cent. on the amount of their capital stock.

Exemptions from toll. VIII. No toll shall be exacted from any regularly ordained or licensed Minister of the Gospel, while in the discharge of his duties as such, nor

from any member of the Legislature going to or from its sittings, nor from any person going to or returning from Divine Service, nor from any person travelling in the performance of any civil or military duty, for which he receives no pay or reward; and any person falsely representing him or herself to any toll gatherer as being entitled to any of the exemptions mentioned herein, shall pay to the Company the sum of twenty dollars, to be recovered by the Company before any neighboring Magistrate.

A. D. 1849.

Misrepresentations to toll-gatherers punishable.

IX. The toll gatherer at each such gate, when erected on said Roads in pursuance of this Act, may detain and prevent from passing such gate, such carriage, vehicle or animal subject to toll, until the toll thereon be paid.

Payment of toll.

X. Any person who shall forcibly or fraudulently pass any toll-gate erected according to the provisions of this Act, without having paid the legal toll, or to avoid the payment of the same, or shall, with his team, carriage or animal, turn out of the said Roads, or pass any gate thereon on ground adjacent thereto, and again enter on said Road, shall, for each offence, forfeit a sum not exceeding twenty dollars, to and for the use of the said Company, to be recovered before any neighboring Magistrate; and any person who shall wilfully break or throw down any gate on the said Roads, or shall wilfully and maliciously destroy or injure any portion of the said Roads, shall be liable to be indicted, as for a misdemeanor, in the Court of Sessions, and upon conviction therefor, shall be fined and imprisoned, in the discretion of the Presiding Judge, not exceeding one hundred dollars fine and three months imprisonment.

Penalties for fraud in reference to toll.

XI. Any Road which shall be constructed by the said Company, by virtue of the provisions of this Act, shall be so constructed as to make and secure a smooth and permanent Road, the track of which shall be made of timber, plank or other hard material, so that the same shall form a hard, even surface, and be so constructed as to permit all carriages, vehicles and travellers to pass on and off where such Road is intersected by other Roads.

Construction of Roads.

XII. That where any lands or right of way may be required by the said Company for the purpose of constructing their Roads, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at valuation, to be made by five Commissioners, or a majority of them, to be appointed by any Court of Record having common law jurisdiction, in the District or Districts where some part of the lands or right of way is situated; and the said Commissioners, before they act, shall severally take an oath before some Magistrate, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of

Right of way.

Valuation of land by Commissioners.

A. D. 1849- way surrendered, and also the benefit and advantage he, she or they may receive from the construction or establishment of the said Roads or works, and shall state particularly the nature and amount of each ; and the excess, or loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of the said Commissioners, accompanied with a full description of the said lands or right of way, shall be returned, under the hands and seals of a majority of the Commissioners, to the Court from which the commission issued, there to remain of record. In case either party to the proceedings

Proceedings of Com'rs. to be recorded.

Appeal from the decision of Com'rs.

Company to hold lands in fee simple.

Progress of the work in case of dispute.

Possession of land in absence of contract.

Provision for application for assessments of land.

shall appeal from said valuation to the next session of the Court granting the commission, and give reasonable notice to the opposite party of such appeal, the Court, upon satisfactory proof that the appellant has been injured by the said valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted ; and the lands or right of way so valued by the Commissioners or Jury, shall vest in the Company, in fee simple, as soon as the valuation may be paid, or when refused, may be tendered. Where there shall be an appeal, as aforesaid, from the valuation of Commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding ; but where the appeal is made by the Company requiring the surrender, they shall be at liberty to proceed in their work, only on the condition of giving to the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the Jury and confirmed by the Court.

XIII. In the absence of any contract or contracts with the said Company, in relation to lands, through which the said Road or its branches may pass, signed by the owner thereof, or his agent, or any claimant, or any person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said Road, or any of its branches, may be constructed, together with the space of one hundred feet on each side of the centre of the said Road, has been granted to the Company by the owner or owners thereof, and the said Company shall have good right and title thereto, and shall have, hold, and enjoy the same, so long as the same may be used only for the purposes of said Road, and no longer, unless the person or persons owning the said lands, at the time that part of the said Road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands, as heretofore directed, within five years next after that part

of the said Road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessments within five years next after the said part was finished, he, she, or they, shall be forever barred from recovering the said lands, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femes coverts*, or infants, or lunatics, until two years after the removal of their respective disabilities.

A. D. 1849.

Proviso.

XIV. That the Directors shall submit to the stockholders annually a written statement, under their signatures, signed by the Treasurer of the Company, setting forth the amount of capital stock paid in, and general assets of the Company, and also of the amount of all the then existing debts; which statement shall be published in some newspaper published nearest to Graniteville.

Assets of the Company.

XV. The total amount of the debts which the said Company shall at any time owe, shall not exceed the amount of its capital stock actually paid in, and in case of excess the Directors under whose superintendence it shall happen, shall be jointly and severally liable as individuals. Such of the said Directors as may have been absent when the said excess was incurred, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders at a general meeting, which they may have power to call for that purpose.

Excess of debt.

XVI. And the said Company shall have power, from time to time, to increase their capital stock to any amount not exceeding two hundred and fifty thousand dollars, (\$250,000,) including their present capital stock, whenever a majority of the stockholders present at a general meeting, or the Board of Directors by their authority shall determine: *Provided*, that the said stock shall not be increased at any one time in sums of less than ten thousand dollars. . And such additional stock shall be divided exactly among the stockholders in proportion to their shares in the capital stock of the Company at the time of such increase; but in case any stockholder should not desire to take his or their proportion of such increased stock, the same shall be allotted among the remaining stockholders, or books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the Company may deem expedient; and in no case shall the members who are unwilling to take their proportion in such increase of stock be assessed to contribute or to make up such increase; such additional stock shall be paid up in the same manner, and be subject to all the same provisions, restrictions and conditions as are directed by the provisions of this Act; and any such additional subscribers shall thereby become members of this Company, and subject in like manner, in proportion to their interests, to all the burthens, liabilities, responsibilities and conditions imposed upon the members of this Company.

Power to increase Capital Stock.

Proviso.

Division of increased stock.

Liabilities, &c. of subscribers to new stock.

A. D. 1849.

Limit of charter.

Company not subject to previous enactments.

XVII. That the charter hereby granted to the Graniteville Plank Road Company shall be and continue of force for and during the period of thirty years from the day of the passage of this Act.

XVIII. That the said Company shall not be subject to any of the provisions or enactments contained in an Act, entitled "An Act establishing the principles on which Companies shall be incorporated, and the charters of Ferries, Bridges and Turnpike Roads shall be hereafter granted, and for other purposes therein expressed," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and in the seventy-fourth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

JOHN IZARD MIDDLETON, *Speaker House of Representatives.*

ACTS OF 1849.

An Act to raise Supplies for the year commencing in October, one thousand eight hundred and forty-nine,.....	550
An Act to make Appropriations for the year commencing in October, one thousand eight hundred and forty-nine,.....	551
An Act to amend the Law with regard to the Rights of Sureties,	556
An Act to alter and amend the License Laws of this State,.....	557
An Act to authorize the Formation of the Spartanburg Rail Road Company,.....	560
An Act to Incorporate certain Societies and Companies, and to renew and amend certain Charters heretofore granted,.....	570
An Act to amend an Act, entitled "An Act to authorize the formation of the Greenville and Columbia Rail Road Company," and an Act, entitled "An Act to amend an Act to authorize the formation of the Greenville and Columbia Rail Road Company," and for other purposes,.....	575
An Act to apportion the Representation of this State,.....	577
An Act to alter the Law in relation to Slaves hiring their own Time, and for other purposes,.....	578
An Act to extend the Limits of the City of Charleston,.....	579
An Act to establish a Company under the name of the Mount Pleasant Ferry Company,.....	580
An Act to amend the Law in relation to the Lien of Judgments,.	582
An Act to charter the Cheraw and Darlington Rail Road Company,.....	583
An Act to amend and renew the Charter of St. Peter's Church, Charleston,.....	584
An Act to alter and amend an Act, passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight, in sundry particulars, entitled "An Act to Incorporate the Keowee Turnpike Company,".....	586
An Act to appoint Commissioners from Horry District, for cleaning out Little Pee Dee River, and other purposes,.....	587
An Act to authorize the City Council of Charleston to prevent Interments in the said City, without a proper Certificate of the disease of which the deceased died, and for other purposes,.....	588
An Act to Incorporate the Village of York,.....	588

An Act to Incorporate the Town of Chester,.....	591
An Act to Incorporate "The Society for the Relief of the Families of Deceased and Disabled Indigent Members of the Medical Profession of the State of South Carolina,".....	595
An Act to afford Aid in constructing the Laurens Rail Road,....	596
An Act to authorize and require the Transfer of all Papers apper- taining to the Administration of Estates now deposited in the office of the Secretary of State in Charleston, to the Ordinary's office for Charleston District,.....	598
An Act to amend the Law concerning the publication of Sheriff's Sales for Pickens District,.....	598
An Act to continue in office the late Commissioners of the Poor for York District,.....	599
An Act to require the Commissioners of Public Buildings of the several Districts in this State, to furnish to the Sheriffs the Books required to be kept by them,.....	599
A Bill to alter and amend the Constitution so as to change the name of the Election District of Saxe-Gotha to that of Lexing- ton, and to extend its boundaries to its present Judicial Limits,.	600
An Act to incorporate the Hamburg and Edgefield Plank Road Company,	600
An Act to incorporate the Town of Darlington,.....	605
An Act to vest the right and title of the State in and to a Tract of Land in the District of Chester, in David Lyle and his heirs,..	609
An Act to vest in Mary O'Neale the right and title of the State in and to the Estate of John W. O'Neale,.....	609
An Act to vest in Susannah Connelly all the right, title and inter- est of the State in and to certain Escheated Property,.....	610
An Act to amend an Act, entitled "An Act to prevent the obstruc- tion to the passage of Fish up Lynche's Creek,.....	610
An Act to establish certain Roads, Bridges and Ferries,.....	611
An Act to incorporate the Marine Church of Charleston, and for other purposes,.....	616
An Act to incorporate the Graniteville Plank Road Company,...	619

INDEX TO ACTS OF 1849.

A.

APPROPRIATIONS.

Act to make, for 1849,.....	551
For Executive Department,.....	551
“ Legislative Department,.....	551
“ Judiciary Department,.....	552
“ Treasury Department,.....	553
“ South Carolina College,.....	553
“ Ordinary Civil Expenses,.....	554
“ Military Expenditures,.....	554
“ Ordinary Local Expenses,.....	555
“ Extraordinary Expenditures,.....	555
“ Public Buildings,.....	555
“ Internal Improvements,.....	556

ABBEVILLE DISTRICT.

Turkey Creek Baptist Church in, incorporated,.....	572
Greenwood Association of,.....	572

ANDERSON.

Agent for State Lots at,.....	556
Male and Female Academies, Trustees of, incorporated,.....	572

APPORTIONMENT.

Act to apportion Representation of State,.....	577
--	-----

AXEMEN.

Of Charleston Neck, incorporated,.....	570
--	-----

ASSOCIATE REFORMED SYNOD OF THE SOUTH.

Incorporation of,.....	571
------------------------	-----

ADMINISTRATION OF ESTATES.

Transfer of papers appertaining to,.....	598
--	-----

ASSOCIATIONS.

South Carolina Association, Charleston, charter renewed of,	572
Seventy-Six Association of Charleston, charter renewed of,	572

AIKEN.

Renewal of charter of town of,	573
--------------------------------------	-----

AVELEIGH CHURCHES.

Succession of Trustees of,	573
----------------------------------	-----

B.

BIRTHS, DEATHS AND MARRIAGES.

Registry of, in Charleston,	589
-----------------------------------	-----

BARNWELL DISTRICT.

Blackville, (see sec. 8 of Act of Incorporation,)	572
---	-----

BLACK SWAMP ACADEMY, BEAUFORT.

Incorporation of,	572
-------------------------	-----

BAPTIST BIBLE SOCIETY, SOUTH.

Incorporation of,	574
Limits of Charter,	575

C.

COLUMBIA.

Agents for State Lots at,	556
Darech Amet Hebrew Congregation,	570

CATFISH BAPTIST CHURCH.

Incorporation of,	570
-------------------------	-----

CLARENDON COUNTY, SUMTER DISTRICT.

Home Branch Baptist Church incorporated,	570
--	-----

CHARLESTON NECK.

Axemen of, incorporated,	570
Friendship Tent, Rechabites, No. 314, incorporated,	570
Washington Fire Engine Company incorporated,	571

CHARLESTON.

Act to extend limits of,.....	579
Elections,.....	579
Jurisdiction,.....	579
City debts,.....	579
Taxes—how applied,.....	579
Exemptions from taxation,	579
Erection of wooden buildings,.....	580
Property vested,.....	580
Laws extended,.....	580
Commissioners appointed,	580

CHERAW AND DARLINGTON RAIL ROAD COMPANY.

Act of Incorporation,.....	583
Power to construct,.....	583
Raising Capital Stock, &c.,	583
Organization of Company,.....	584
Powers vested,.....	584
Exceptions,.....	584

CHESTER.

Act to incorporate town of,.....	591
Election of officers,	591
Oath,	592
Vacancies,.....	592
Powers,.....	592
Proviso,.....	593
Patrol,.....	593
Nuisances,.....	593
Repair of Roads,.....	593
Road duty,	593
Materials for Roads,.....	594
Licenses,	594
Side walks,.....	594
Proviso,.....	594
Property,.....	594
Proviso,.....	594
Tax on Real Estate,.....	594
Proviso,.....	594
Dimension of Roads and Streets,.....	595
Collection of fines and taxes,.....	595
Indictment of town officers,.....	595

INDEX TO THE ACTS.

CONNELLY, SUSANNAH.

Estate vested in,.....	610
------------------------	-----

CLINTON.

Incorporation of town of,.....	572
--------------------------------	-----

CHARLESTON STEAM TUG COMPANY.

Incorporation of,.....	572
------------------------	-----

CHESTER DISTRICT.

Renewal of Charter of Purity Church in,.....	573
--	-----

D.

DOMESTIC AND FOREIGN MISSIONARY SOCIETY.

Incorporation of,.....	570
------------------------	-----

DARECH AMET HEBREW CONGREGATION.

Incorporation of,.....	570
------------------------	-----

DARLINGTON.

Town of, incorporated,.....	605
Limits,.....	606
Officers,.....	606
Election of Officers,.....	606
Voting,.....	606
Managers of Elections,.....	606
Oath,.....	606
Vacancies—how filled,.....	606
Powers,.....	607
Nuisances,.....	607
Patrol—provision to compound,.....	607
Repair of Streets, &c.,.....	608
Penalties for neglect,.....	608
Exemption from Road and Patrol duty,.....	608
Power to compound,.....	608
Property—provision for,.....	608
Tax—provision for,.....	608
Exhibitions,.....	608
Auction sales—provision for,.....	608
License to retail,.....	608

INDEX TO THE ACTS.

5

E.

ERSKINE COLLEGE.

Incorporation of,..... 571

EPISCOPAL BIBLE SOCIETY, SOUTH.

Incorporation of,..... 573

F.

FIRE ENGINE COMPANIES.

Winyaw Fire Engine Company, incorporated,..... 570
Salamander Fire Engine Company, (Georgetown,) incorporated,.... 570
Washington Fire Engine Company, Charleston Neck, incorporated,. 571

G.

GEORGETOWN.

Salamander Fire Engine Company of, incorporated,..... 570

GREENVILLE DISTRICT.

Washington Baptist Church in, incorporated,..... 570

GREENVILLE AND COLUMBIA RAIL ROAD COMPANY.

Act to amend Charter,..... 575
Increase of Stock,..... 575
Subscriptions to Stock valid,..... 575
Limits of road, &c.,..... 576
Power to enforce Provisions,..... 576
State Stock,..... 576
Exceptions to provisions of Act,..... 577

GRANITEVILLE PLANK ROAD COMPANY.

Act of incorporation of,..... 619
Capital, how raised,..... 619
Power to hold real estate,..... 619
Power to open books,..... 619
Election of officers,..... 619
Votes,..... 619
Liabilities for debt, &c.,..... 620
Capital Stock transferable,..... 620
Neglect to pay instalments,..... 620
Time to construct road,..... 620

Exemptions from toll,.....	620
Misrepresentations to Toll-gatherers punishable,.....	621
Payment of toll,.....	621
Penalties for fraud in reference to toll,.....	621
Construction of road,.....	621
Right of way,.....	621
Valuation of land by Commissioners,.....	621
Proceedings of Commissioners to be recorded,.....	622
Appeal from the decision of Commissioners,.....	622
Company to hold lands in fee simple,.....	622
Progress of the work in case of dispute,.....	622
Possession of land in absence of contract,.....	622
Provision for application for assessments of land,.....	622
Assets of the Company,.....	623
Excess of debt,.....	623
Power to increase Capital Stock,.....	623
Division of increased Stock,.....	623
Liabilities, &c., of subscribers to new Stock,.....	623
Limit of Charter,.....	624
Company not subject to previous enactments,.....	624

GREENWOOD ASSOCIATION, ABBEVILLE.

Incorporation of,.....	572
------------------------	-----

H.

HARMONY CHURCH.

Incorporation of,.....	570
------------------------	-----

HOME BRANCH BAPTIST CHURCH.

Incorporation of,.....	570
------------------------	-----

HEBREW CONGREGATION.

Incorporation of,.....	570
------------------------	-----

HORRY DISTRICT.

Commissioners from,.....	587
--------------------------	-----

HAMBURG AND EDGEFIELD PLANK ROAD COMPANY.

Incorporation of,.....	600
To hold real estate,.....	601
Books to be opened,.....	601

INDEX TO THE ACTS.

7

Election of officers,.....	601
Votes,.....	601
Liability for debt,.....	601
Capital Stock,.....	601
Neglect to pay instalments,.....	601
Time to construct road,.....	602
Toll,.....	602
Exemptions from toll,.....	602
Misrepresentations to toll-gatherers punishable,.....	602
Payment of toll,.....	602
Penalties for fraud in reference to toll,.....	602
Construction of road,.....	603
Assets of the Company,.....	603
Excess of Debt,.....	603
Liability of Directors,.....	603
Power to increase Capital Stock,.....	603
Proviso,.....	603
Division of increased Stock,.....	603
Provision for payment,.....	603
Liabilities, &c., of subscribers to new Stock,.....	603
Right of way,.....	604
Valuation of land by Commissioners,.....	604
Record of proceedings of Commissioners,.....	604
Appeal from decision of Commissioners,.....	604
Company to hold lands in fee simple,.....	604
Progress of the work in case of dispute,.....	604
Possession of land in absence of contract,.....	604
Provision for application for assessment of land,.....	605
Limit of Charter,.....	605
Company not subject to previous enactments,.....	605

I.

INCORPORATIONS.

Pine Tree Presbyterian Church, Kershaw District,.....	570
Harmony Church, Old School Presbyterian Faith, Sumter District,.....	570
Tyrrel's Bay Church, Marion District,.....	570
Catfish Baptist Church, Marion District,.....	570
Domestic and Foreign Missionary Society,.....	570
Washington Baptist Church, Greenville District,.....	570
Home Branch Baptist Church, Clarendon County, Sumter District,.....	570
Darech Amet, or Path of Truth Congregation of Hebrews, Columbia,.....	570

INDEX TO THE ACTS.

Orangeburg Presbyterian Church Society,.....	570
Pulaski Lodge, No. 20, Independent Order Odd Fellows, Newberry,	570
Butler Lodge, No. 17, " " Edgefield District,	570
Calhoun Lodge, No. 13, " " Hamburg,.....	570
Jocassee Lodge, No. 18, " " Anderson C. H.,...	570
Members Friendship Tent, No. 314, Independent Order of Rechab-	
ites, Charleston Neck,.....	570
Vigilant Division, No. 10, Sons of Temperance, Charleston Neck, ..	570
Winyaw Fire Engine Company,.....	570
Salamander Fire Engine Company, Georgetown,.....	570
Axemen of Charleston Neck,.....	570
Washington Fire Engine Company, Charleston Neck,.....	571
Mount Hill Female Academy, Greenville Church, Abbeville District,	571
Literary Society, Erskine College,.....	571
Medical Society, Charleston,.....	571
Second Associate Reformed Presbytery of the South,.....	571
Associate Reformed Synod of the South,.....	571
Town of Clinton,.....	572
Charleston Steam Tug Company,.....	572
Lutheran Synod of South Carolina, Georgia, and adjoining States, ..	572
Turkey Creek Baptist Church, Abbeville District,.....	572
Village of Lowndesville,.....	572
Sisters of our Lady of Mercy, Charleston,.....	572
Black Swamp Academy, Robertsville, Beaufort District,.....	572
Greenwood Association of Abbeville District, for Promotion of Edu-	
cation,.....	572
Trustees of Anderson Male and Female Academies,.....	572
Trustees of Laurensville Male and Female Academies,.....	572
South Carolina Association, Charleston,.....	572
Seventy-six Association, Charleston,.....	572
Town of Aiken,.....	573
Lutheran Church, St. Stephens, Lexington District,.....	573
Elders Purity Church, Chester District,.....	573
Aveleigh Church, succession of Trustees of.....	573
Kershaw Lodge, No. 9, Independent Order of Odd Fellows,.....	573
Episcopal Female Bible and Tract Society, Charleston,.....	573
South Carolina Paper Manufacturing Company,.....	574
Baptist Bible Society, South,.....	574

INTERMENTS.

Certificate required for, in Charleston,.....	588
---	-----

INDEX TO THE ACTS.

9

JUDGMENTS.

Act to amend the law in relation to lien of,.....	582
---	-----

K.

KERSHAW DISTRICT.

Pine Tree Presbyterian Church in, incorporated,.....	570
Kershaw Lodge, No. 9, Odd Fellows, incorporated,.....	573

KEOWEE TURNPIKE COMPANY.

Act of 1848 amended,.....	586
Dimensions of road,.....	586
Rates of toll,.....	586

L.

LICENSE LAWS.

Act to amend,.....	557
Conditions of sales,.....	557
Tavern licenses,.....	557
Recognizance,.....	557
Form of,.....	557
Articles to be provided,.....	558
Change of location,.....	558
License, non-extension of,.....	558
" price of,.....	558
" renewal of,.....	558
Provisions in case of conviction, &c.,.....	558
Sale on credit,.....	558
Recognizances to be filed,.....	559
" estreatment for breach of,.....	559
Licenses, retail,.....	559
Duty of Magistrates,.....	559
How affecting corporate towns, &c.,.....	559
Existing penalties to continue of force,.....	560
Section of Act repealed, &c.,.....	560

LAURENSVILLE.

Male and Female Academies of, incorporated,.....	572
--	-----

LITERARY SOCIETY, ERSKINE COLLEGE.

Incorporation of,.....	571
------------------------	-----

LUTHERAN CHURCH OF ST. STEPHEN'S, LEXINGTON.

Incorporation of,.....	573
------------------------	-----

INDEX TO THE ACTS.

LUTHERAN SYNOD.

Incorporation of,.....	572
------------------------	-----

LOWNDESVILLE.

Incorporation of Village of,.....	572
-----------------------------------	-----

LITTLE PEE DEE RIVER.

Commissioners for cleaning out, appointed,.....	587
Powers granted,.....	587

LYNCH'S CREEK.

Law to prevent obstruction to the passage of fish up.....	610
---	-----

LAURENS RAIL ROAD.

Act to afford aid in constructing,.....	596
State Stock,.....	596
Transfer of Stock,.....	597
State not liable for debts,.....	597
Rights of the State,.....	597
Lien upon property,.....	597
Junction of roads,.....	597

LEXINGTON, FORMERLY SAXE-GOTHA.

Limits extended,.....	600
-----------------------	-----

M.

MARION DISTRICT.

Catfish Baptist Church in, incorporated,.....	570
---	-----

MOUNTHILL FEMALE ACADEMY.

Act of Incorporation of,.....	571
-------------------------------	-----

MEDICAL SOCIETY.

Incorporation of,.....	571, 595
Object of incorporation of,.....	596

MOUNT PLEASANT FERRY COMPANY.

Incorporation of,.....	580
Schedule of property to be made and recorded,.....	581
Property vested,.....	581
Power to increase Capital Stock,.....	581
Liabilities of Shareholders,.....	581
Voting,.....	581
Officers, and their powers,.....	582

MARINE CHURCH OF CHARLESTON.

Bequest of John Hoff,.....	616
Church incorporated,.....	617
Style and Title,.....	617
Power to receive legacy,.....	617
Legacy invested in Trustees,.....	617
Manner of choosing Trustees,.....	617
Trustees, of whom to consist,.....	618
Vacancies, how filled,.....	618
Powers of Trustees,.....	618
Election of Minister,.....	618
Charleston Port Society to hold property,.....	618

N,

NEWBERRY.

Pulaski Lodge, No. 20, of, incorporated,.....	570
---	-----

O.

ORANGEBURG PRESBYTERIAN SOCIETY.

Incorporation of,.....	570
------------------------	-----

ODD FELLOWS SOCIETIES.

Pulaski Lodge, No. 20, Newberry, incorporated,.....	570
Butler Lodge, No. 17, Edgefield District, incorporated,.....	570
Calhoun Lodge, No. 13, Hamburg, incorporated,.....	570
Jocassee Lodge, No. 18, Anderson C. H., incorporated,.....	570
Kershaw Lodge, No. 9, incorporated,.....	573

ORDINARY.

Duties of, for Charleston District,.....	598
Transfer of papers by,.....	598

O'NEALE, MARY.

Estate vested in,.....	609
------------------------	-----

P.

PINE TREE PRESBYTERIAN CHURCH.

Incorporation of,.....	570
------------------------	-----

PATH OF TRUTH HEBREW CONGREGATION.

Incorporation of,.....	570
------------------------	-----

PRESBYTERIAN SOCIETY.

Incorporation of, at Orangeburg, 570

PULASKI LODGE.

Incorporation of, at Newberry, 570

PICKENS DISTRICT.

Law concerning publication of Sheriff's Sales for, amended, 598

PUBLIC BUILDINGS.

Commissioners of, to furnish books to Sheriffs, 599

PURITY CHURCH, CHESTER.

Renewal of Charter of, 573

R.

REPRESENTATION OF STATE.

Act to apportion, 577

RECHABITES.

Friendship Tent, No. 314, incorporated, 570

ROBERTVILLE, BEAUFORT.

Blackswamp Academy in, incorporated, 572

ROADS, BRIDGES AND FERRIES.

Road established from Anderson to Pendleton, 611

“ “ “ Pendleton to Pickens C. H., 611

“ “ “ Anderson C. H. to Townsville, 611

“ “ “ Anderson C. H. to Craytonville, 611

“ “ “ Anderson C. H. to Andersonville, 611

“ “ “ in Abbeville District, 611

“ “ “ in Chester District, 611

“ “ “ in Edgefield District, 611

Wallace's Bridge re-chartered, 612

Road established in St. John's, Berkley, 612

Toll-gate established on Black River, 612

Collection of toll at Jas. Gregories' Ferry over Wando River, 612

Ferry on Big Pee Dee River re-chartered, 613

Creek emptying into Ashley River closed, 613

Pineville Road established, 613

INDEX TO THE ACTS.

13

Road established from Camden to Santee,.....	613
“ “ in Orangeburg District,	613
“ “ in St. Stephen's Parish,	614
Road to intersect the Pickensville and Pendleton Road,	614
Road established in Abbeville District,	614
Jacksonboro' Neck Road continued,.....	614
Bridge over Enoree River re-chartered,.....	614
Blythe's Gap Turnpike Road re-chartered,.....	614
So. Ca. Rail Road Company authorized to project Passenger House,	614
Milton Ferry re-chartered,.....	614
Commissioners of Roads of Pickens District,.....	615
Section of Act repealed disallowing Henry Shultz and J. McKinnie to collect toll,.....	615
Road established in York District,.....	615
Brown's Ferry, in Lancaster District, re-chartered,	615
Gooche's and Ingram's Ferry, in Lancaster District, re-chartered,..	615
Commissioners for Districts of Williamsburg and Georgetown ap- pointed,.....	616

S.

SUPPLIES.

Act to raise, for 1849,	550
Tax on lands,	550
Slaves and Free Negroes,	550
Factorage and other employments,.....	550
Merchandise,.....	550
Public Exhibitions,	550

SUMTER DISTRICT.

Harmony Church in, incorporated,.....	570
Home Branch Baptist Church in, incorporated,	570

SURETIES.

Act to amend the law with regard to the rights of,	556
--	-----

SLAVES.

Act amended to prevent Slaves hiring their own time,.....	578
When to take effect,.....	578

STATE LOTS.

Agent for, at Anderson,.....	556
Agents for, at Columbia,	556

SPARTANBURG RAIL ROAD COMPANY.

Act incorporating the,.....	560
Stock,	560
Books to be opened,.....	561
Provisions when closed,.....	561
Organization of Company,.....	562
Voting,	562
Power to adjourn,.....	562
Elections,	562
Style, powers, &c.,.....	563
Powers in fee simple,.....	563
Lands to be valued in case of disagreement,.....	563
Constructive title,.....	565
Proviso in certain cases,.....	565
Unappropriated lands vested in Company,.....	565
Privileges,.....	565
Power to farm out,.....	566
Penalty for intrusion,.....	566
Term of Charter,.....	567
Provision as to time,.....	567
Officers,	567
Officers to give bond,.....	567
Power to draw money from Bank,.....	567
Instalments to be paid,.....	567
Shares, forfeiture of,.....	568
Shares to be sold in case of non-payment of instalments,.....	568
Additional assessments,	568
Style and powers of President and Directors,	568
Excess of contracts,.....	569
Provision for, liability for—how avoided,.....	569
Officers exempt from certain duties,.....	569
Exemptions from the provisions of an Act,.....	569

SALAMANDER FIRE ENGINE COMPANY.

Incorporation of,.....	570
------------------------	-----

ST. PETER'S CHURCH, CHARLESTON.

Charter renewed and amended,.....	584
Election of Vestrymen,.....	585
Qualification of voters,.....	585
Assessments,.....	585
Powers,.....	585

INDEX TO THE ACTS.

15

SAXE-GOTHA.

Constitution amended,	600
Name changed to Lexington,	600
Boundaries extended,	600

SHERIFF'S SALES.

Law amended as to publication of, for Pickens District,	598
---	-----

SHERIFFS.

Commissioners of Public Buildings to furnish books to,	599
--	-----

SECOND ASSOCIATE REFORMED PRESBYTERY, SOUTH.

Incorporation of,	571
-------------------------	-----

STEAM TUG COMPANY, CHARLESTON.

Incorporation of,	572
-------------------------	-----

SISTERS OF MERCY, CHARLESTON.

Incorporation of,	572
-------------------------	-----

SOUTH CAROLINA PAPER MANUFACTORY.

Incorporation of,	574
Powers granted,	574
Liabilities,	574

SONS OF TEMPERANCE.

Vigilant Division, No. 10, Charleston, incorporated,	570
--	-----

T.

TAXES.

Tax on lands,	550
" Slaves,	550
" Free Negroes,	550
" Lots,	550
" Buildings,	550
" Factorage, Employments, &c.,	550
" Merchandize,	550
" Public Exhibitions,	550

TYRREL'S BAY CHURCH.

Incorporation of,	570
-------------------------	-----

TURKEY CREEK BAPTIST CHURCH.

Incorporation of,..... 572

W.

WASHINGTON BAPTIST CHURCH.

Incorporation of,..... 570

WASHINGTON FIRE ENGINE COMPANY, CHARLESTON.

Incorporation of,..... 571

Y.

YORK.

Act to incorporate village of,..... 588
 Election of officers, 588
 Oath,..... 589
 Vacancies,..... 589
 Powers, 589
 Proviso,..... 590
 Nuisances,..... 590
 Patrol,..... 590
 Repair of Roads, &c.,..... 590
 Road duty, 590
 Tax on Real Estate,..... 590
 Licenses, 590
 Tax on Exhibitions,..... 590

YORK DISTRICT.

Late Commissioners of Poor continued in office,..... 599



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